Vol. XXV—No. 1

BENGAL LEGISLATIVE COUNCIL
5. JUL. 1927
LIBRARY.

Council Proceedings

Official Report

Bengal Legislative Council

Twenty-fifth Session, 1927

21st to 23rd February, 1927

CALCUTTA:
Bengal Secretariat Book Depot.
1927.

Published by the Bengal Secretariat Book Depot, Writers' Buildings, Calcutta.

Agents in India.

Messrs. S. K. Lahiri & Co., Printers and Book-sellers, College Street, Calcutta.
Messrs. Thacker, Spink & Co., Calcutta.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWER-LYTTON, Earl of Lytton, P.C., G.C.S.I., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. J. DONALD, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. Legislative.
6. European Education.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., of Dhanbari, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. A. N. MOBERLY, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

MINISTERS.

The Hon'ble Mr. BYOMKES CHAKRAVARTI, in charge of the following portfolios:—

1. Education (except Registration).
2. Public Works.
3. Excise.
4. Medical.
5. Public Health.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI, in charge of the following portfolios:—

1. Agriculture and Industries (except Excise).
2. Local Self-Government (except Medical and Public Health).
3. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Khan Bahadur Maulvi EMADUDDIN AHMED.

Panel of Chairmen for the Twenty-fifth Session.

1. Mr. W. L. TRAVERS, C.I.E., O.B.E.
2. Mr. ALTAF ALI.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.
4. Maharaj-Kumar SRIS CHANDRA NANDY.

Secretary to the Council—J. BARTLEY, I.C.S. (*on leave*). A. DE C. WILLIAMS, I.C.S. (*Offg.*).

Assistant Secretaries to the Council—G. G. HOOPER, M.C., I.C.S., A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY (on leave). M. MUKHURJI (*Offg.*).

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Acharjya Chaudhuri, Maharaja Shashi Kanta. (Dacca University.)
Addams-Williams, Mr. C., C.I.E. (Nominated official.)
Afzal, Maulvi Syed Mahamud. [Bakarganj West (Muhammadan).]
Ahamad, Maulvi Asimuddin. [Tippera South (Muhammadan).]
Ahamad, Maulvi Kasiruddin. [Rangpur West (Muhammadan).]
*Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Atiqullah, Maulvi Syed Muhammad. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Promotha Nath. [Midnapore South (Non-Muhammadan).]
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Basu, Babu Sasi Sekhar. [24-Parganas Rural South (Non-Muhammadan).]
Basu, Mr. P. C. [Burdwan South (Non-Muhammadan).]
Basu, Mr. Sarat C. [Burdwan North (Non-Muhammadan).]
Biswas, Babu Surendra Nath. [Faridpur South (Non-Muhammadan).]
Biswas, Maulvi Abdul Latif. [Dacca West Rural (Muhammadan).]
Bose, Babu Bejoy Krishna. [Calcutta South (Non-Muhammadan).]
Bose, Mr. S. C. (Calcutta University.)
Bose, Mr. Subhas Chandra. [Calcutta North (Non-Muhammadan).]

C

Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravarti, the Hon'ble Mr. Byomkes. (Minister) (Bengal National Chamber of Commerce.)

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* Deputy President, Bengal Legislative Council.

Chakraburtty, Babu Jotindra Nath. [Rangpur East (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chatterjee, Srijut Bijay Kumar. [Bankura West (Non-Muhammadan).]
Chaudhuri, Mr. M. Ashraf Ali Khan. [Rajshahi North (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E., of Dhanbari. (Member, Executive Council.)
Choudhury, Maulvi Khorshed Alam. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Crawford, Mr. T. C. (Indian Tea Association.)

D

Das Gupta, Dr. J. M. [Calcutta Central (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Datta, Babu Amulya Chandra. [Hooghly Municipal (Non-Muhammadan).]
De, Mr. K. C., C.I.E. (Nominated Official.)
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Babu Saral Kumar. [Bakarganj North (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

F

Faroqui, Khan Bahadur K. G. M. [Tippera North (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ghose, Babu Amarendra Nath. [Mymensingh West (Non-Muhammadan).]
Ghosh Maulik, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]

Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan. (Minister) [Mymensingh South-West (Muhammadan).]
Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Gofran, Maulvi Abdul. [Noakhali West (Muhammadan).]
Gupta, Mr. Jogesh Chandra. [Dacca City (Non-Muhammadan).]

H

Habibullah, Nawab Khwaja. [Dacca City (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Himatsingka, Babu Prabhu Doyal. [Calcutta West (Non-Muhammadan).]
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Husain, Maulvi Latafat. (Nominated Non-official.)
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Husain, Maulvi Syed Maqbul. [Chittagong North (Muhammadan).]
Huq, Khan Bahadur Maulvi Ekramul. [Murshidabad (Muhammadan).]

I

Ismail, Khan Bahadur Maulvi Muhammad. [Mymensingh Central (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]
Jennaway, Mr. J. H. (Indian Mining Association.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur North (Muhammadan).]
Khan, Mr. Razaur Rahman. [Dacca East Rural (Muhammadan).]

L

Lahiri, Mr. Basanta Kumar. [Nadia (non-Muhammadan).]
Laird, Mr. R. B. (Indian Jute Mills Association.)
Lala, Babu Saroda Kripa. (Chittagong Landholders.)
Leicester, Lieutenant-Colonel J. C. H., I.M.S. (Nominated Official.)
Liddell, Mr. H. C. (Nominated Official.)
Lindsay, Mr. J. H. (Nominated Official.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Babu Mahendra Nath. [Midnapore South-East (Non-Muhammadan).]
Marr, Mr. A., C.I.E. (Nominated Official.)
Mawla, Maulvi Choudhury Gholam. [Faridpur South (Muhammadan).]
Mazumdar, Rai Bahadur Jadunath, C.I.E. [Jessore North (Non-Muhammadan).]
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, Sir Provash Chunder, KT., C.I.E. (Presidency Landholders.)
Moberly, the Hon'ble Mr. A. N., C.I.E. (Member, Executive Council.)
Moitra, Srijut Jogendra Nath. [Bogra *cum* Pabna (non-Muhammadan).]
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Srijut Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Mr. Khwaja, C.I.E. [Bakarganj South (Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)
Ordish, Mr. J. E. [Dacca and Chittagong (European).]

P

Phelps, Mr. Trevor J. (Calcutta Trades Association.)
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Prentice, Mr. W. D. R. (Nominated Official.)

R

Rahim, Sir Abd-ur-, K.C.S.I. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Maulvi Shamsur-. [Khulna (Muhammadan).]
Rahman, Mr. A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Syed Abdur. [Jessore North (Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur West (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Maharaja Jogindra Nath, of Nator. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia. (Member, Executive Council.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N., Bar.-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. S. N. (Nominated Official.)
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Sachse, Mr. F. A. (Nominated Official.)
Sadeque, Maulvi Mohamed. [Noakhali East (Muhammadan).]
Sanyal, Babu Sachindra Narayan. [Rajshahi (Non-Muhammadan).]
Sarbadhikari, Dr. Sir Deva Prosad, Kt., C.I.E., C.B.E. (Nominated Non-official.)

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* President of the Bengal Legislative Council.

Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sattar, Khan Sahib Maulvi Abdus. [Chittagong South (Muhammadan).]
Sattar, Maulvi Abdool Razak Hajee Abdool. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Sen, Babu Nagendra Nath. [Khulna (Non-Muhammadan).]
Sen, Mr. Satish Chandra. (Bengal National Chamber of Commerce.)
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Shah, Mr. Gholam Hossain. [24-Parganas Municipal (Muhammadan).]
Sinha, Babu Charu Chandra. [Howrah Municipal (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

W

Woodhead, Mr. J. A. (Nominated Official.)
Wordsworth, Mr. W. C. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twenty-fifth Session.)

VOLUME XXV—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 21st February, 1927, at 3 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council and the two Hon'ble Ministers and 108 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—

Mr. C. ADDAMS-WILLIAMS, C.I.E.

Election of the Deputy President.

Mr. PRESIDENT (Raja Manmatha Nath Ray Chaudhuri, of Santosh): I would ask the members kindly to rise in their places to receive a message from His Excellency the Governor.

(All the members rose in their seats.)

Message.

"In exercise of the discretion vested in me by sub-section (2) of section 72C of the Government of India Act, I approve of the election of Khan Bahadur Maulvi Emaduddin Ahmed as Deputy President of the Bengal Legislative Council.

LYTTON

Governor of Bengal."

The 20th January, 1927.

Mr. PRESIDENT: I would, therefore, ask the Khan Bahadur to take the seat of the Deputy President.

(Khan Bahadur Maulvi Emaduddin Ahmed then took his seat.)

We extend a hearty welcome to Khan Bahadur and assure him of our best wishes for a successful term of office as Deputy President. I am very confident that he will co-operate with me loyally and cordially and endeavour with me to further the interests of the Council.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session, *viz*:—

Mr. W. L. TRAVERS, C.I.E., O.B.E.,
Mr. ALTAF ALI,
Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur, and
Maharaj-Kumar SRIS CHANDRA NANDY.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Point of Order.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir, I find some questions have been disallowed on the ground that they have not been received in time. I think this is a serious matter concerning the privilege of the House. There is no provision in the law by which we should send notice of all questions 15 days before the beginning of the Session so that they might be available for answer. The only curtailment of our right is the provision contained in section 24, in which it is said that we are not entitled to send in more than 12 questions in a Session. But that does not mean that from the 21st of February till the end of March we are not entitled to send in any more questions, even though they are received in time. I solicit your decision in the matter because it concerns the privilege of the House.

Mr. PRESIDENT: Order, order. As at present advised, I understand a circular was issued to the members specifying the date before which they ought to have forwarded their questions. I have sent for the circular, and after looking into the matter I shall come to a decision.

Dr. BIDHAN CHANDRA ROY: May I know whether there was any justification for sending that circular, because the rules provide the number of days' notice to be given, and the number of questions to be put. Supposing the circular had been issued under a misapprehension, need we stick to it?

Mr. PRESIDENT: I have promised that I shall decide this question later on, when I have read and considered it, and I think Dr. Roy should wait.

Starred Questions

(to which oral answers were given).

Bengal Tenancy (Amendment) Bill.

*1. **Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is the intention of Government to introduce the Bengal Tenancy (Amendment) Bill, 1926, in the Council during the present winter session?

(*b*) If the reply to (*a*) is in the negative, will the Hon'ble Member be pleased to state when the Bill will be introduced?

(*c*) Is it a fact that the Bill as settled by the Select Committee is being examined by a committee of officials specially appointed for the purpose?

(*d*) Who are the members of this committee?

(*e*) When will the report of this committee be ready?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) No.

(*b*) *Vide* (*e*).

(*c*) and (*d*) The Bill is being examined by a committee consisting of Sir Nalini Ranjan Chatarji, Khan Bahadur Abdul Momen, Secretaries, Revenue and Legislative Departments, and myself.

(*b*) and (*e*) I cannot say at present. The committee has only just started work.

Babu JOGINDRA CHANDRA CHAKRAVARTI: May I ask whether there is any probability of the Bill being introduced in the life-time of the present Council?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have nothing further to add.

Mr. A. C. BANERJEE: I should like to know whether in view of the fact that the present Government is dominated by the landlord interest, there is any chance of the Bill being taken up before the Greek Calends?

Mr. PRESIDENT: It is up to the Hon'ble Member in charge to answer this question, if he chooses to do so.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have nothing further to add.

Railway extensions from Faridpur to Charmugaria and Rajbari to Jessore.

*2. **Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether the proposed railway extensions from Faridpur to Charmugaria and Rajbari to Jessore have been definitely sanctioned?

(*b*) If so, when is the construction work likely to begin?

MEMBER in charge of DE[illegible]MENT of PUBLIC WORKS (RAILWAYS) (the Hon'ble Mr. [illegible]ld):—(*a*) The reply is in the negative. The Railway Board in December and January last sanctioned the undertaking of a reconnaissance survey of these lines, and no decision will be made till the report of these surveys is received.

(*b*) The question does not arise.

Hostel [illegible]ation for students of the depressed classes.

*3. **Dr. KUMUD SANKAR RAY.** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is a fact that students of the depressed classes are not admitted to attached hostels of many Government aided schools and colleges in Bengal?

(*b*) What arrangements are made regarding the hostel accommodation for students of the depressed classes?

(*c*) Will the Hon'ble Minister be pleased to state the names of those Government aided institutions where there are no arrangements for students of the depressed classes in attached hostels?

(*d*) What steps are being taken in those institutions to provide necessary hostel accommodation for the depressed classes?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. Byomkes Chakravarti): (*a*) Government are aware that students belonging to the depressed classes are not admitted to the hostels attached to many Government aided schools and colleges in Bengal which are intended for Hindus other than the members of the depressed classes.

(*b*) Special hostels for depressed classes are provided wherever there is a real demand and funds are available. Such hostels are—

(i) *Government hostels.*—Namasudra hostels at Jhalakati and Pirojpur and Rajbansi hostel at Rangpur.

(ii) *Aided hostels.*—Namasudra mess at Faridpur, Namasudra hostel and Yogi hostel at Calcutta; there are also hostels at Dacca for depressed classes under the Dacca Mess Scheme.

(c) Government are aware that no separate arrangements for students of the depressed classes are in existence in any hostel attached to Government and aided institutions other than those mentioned in reply to question (b), and that generally because no demand for such special arrangement exists.

(d) Government are prepared to consider any schemes submitted and will give assistance in accordance with the rule governing such cases to the extent that funds are available.

Mr. D. N. ROY: May I ask whether Government are aware that students of the depressed classes are admitted in the existing Narail Victoria College Hostel?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: No.

Proposed Light Railway from Arioha to Dacca.

*4. **Maulvi ABDUL LATIF BISWAS:** (a) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether it has been finally settled that a Light Railway will be established from Aricha to Dacca?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state when the work of the said Railway will commence?

(c) If the answer to (a) is in the negative, will the Hon'ble Member be pleased to state when the final decision will be arrived at?

The Hon'ble Mr. J. DONALD: (a) The question has not yet been decided.

(b) The question does not arise.

(c) A detailed survey was sanctioned by the Railway Board in December last, and a final decision will be arrived at after the survey has been completed and the report duly considered by the Railway Board.

Irrigation subdivisions.

*5. **Babu ROMES CHANDRA BACCHI:** (a) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state—

(i) the number of irrigation subdivisions in Bengal;

(ii) the manner in which districts have been grouped into subdivisions for the purpose of irrigation;

(iii) the headquarters of those subdivisions, if any, and

(iv) the officer in charge of subdivisions.

SECRETARY to the GOVERNMENT (DEPARTMENT of IRRIGATION) (Mr. C. Addams-Williams): (*i*) 22 permanent and 3 temporary: the latter being for the purpose of constructing the Damodar Canal in the Burdwan district.

(*ii*), (*iii*) and (*iv*) The information is given in the statement laid on the table.

Statement referred to in the reply to Starred Question No. 5 showing the limits and extent of Irrigation subdivisions in Bengal, together with their headquarters and the names of officers in their charge.

Name of district.	Subdivision.	Subdivisional headquarters.	Name and rank of Subdivisional Officer.
1	2	3	4
	Permanent subdivisions (22).		
Midnapore, Hooghly, Howrah and Bankura.	Luchmapur ..	Luchmapur ..	Babu Prasad Das Sen Gupta, Assistant Engineer
	Panskura .	Panskura ..	Mr. G. B. Mandal, Assistant Executive Engineer.
	Contai ..	Contai ..	Mr. J. D. Watson, Assistant Executive Engineer.
	Etamogra ..	Etamogra ..	Babu Bhupati Nath Sen Gupta, Upper Subordinate
	Bankura ..	Bankura ..	Mr. A. G. Chatterjee, Temporary Engineer.
Midnapore, Hooghly, Burdwan, Birbhum and Howrah.	Gadghat ..	Gadghat ..	Babu Joy Kumar Sarkar, Assistant Engineer.
	Seijberia ..	Seijberia ..	Babu Mahendra Kumar Bhattacharjee, Assistant Executive Engineer.
	Ediipur ..	Ediipur ..	Babu Angsujit Mukherjee, Assistant Engineer.
	Birbhum ..	Suri ..	Babu Ramani Mohan Sinha, Assistant Engineer.
Malda, Rajshahi, Bogra, Pabna, Murshidabad, Nadia, Burdwan and Birbhum.	Berhampore ..	Berhampore ..	Babu Phanindra Nath Mukherjee Assistant Engineer.
	Rajshahi ..	Rampur-Boalia ..	Mr. W. R. Robson, Assistant Executive Engineer.
	Krishnagar ..	Krishnagar ..	Babu Khirode Chandra Das, Assistant Engineer.
24-Parganas ..	Calcutta Canals ..	Chitpur ..	Babu Prabodh Chandra Basu, Assistant Engineer.
	Mograhat ..	Mograhat ..	Babu Samarendra Bhattacharjee, Upper Subordinate.
	Diamond Harbour..	Diamond Harbour..	Mr. Man Singh Assistant Executive Engineer
	Tolly's Nullah ..	Calcutta ..	Babu Gyanendra Nath Chatterjee, Assistant Engineer.
Hooghly, Howrah, Dacca, 24 Parganas, Khulna and Faridpur.	Dredger ..	Calcutta ..	Mr. E. A. Moore, Assistant Executive Engineer.
	Waterways ..	Ditto ..	Babu Surendra Lal Maitra, Assistant Engineer.
	Grand Trunk Canal	Ditto ..	Babu Surendra Lal Maitra Assistant Engineer.

Name of district.	Subdivision.	Subdivisional headquarters.	Name and rank of Subdivisional Officer.
1	2	3	4
Dacca, Mymensingh, Comilla, Chittagong, Khulna, 24-Parganas, Faridpur, Jessore and Bakarganj.	Khulna ..	Khulna ..	Babu Prithwiraj Mukherjee, Assistant Engineer.
	Madaripur ..	Madaripur ..	Babu Hari Shadhan Ganguly, Assistant Engineer.
	River Training Works.	Dacca	Mr. A. Finlayson, Assistant Executive Engineer.
	Temporary subdivisions (3).		
Burdwan	No. 1 *.. ..	Burdwan ..	Mr. Orr, Assistant Executive Engineer.
	No. 2*.. ..	Ditto ..	Mr. S. K. Guha, Assistant Executive Engineer.
	No. 3*.. ..	Ditto ..	Rai Sahib Rashi Kumar Biswas, Assistant Engineer.

*These 3 subdivisions are for the construction of the Damodar Canal.

Amount realised as audit fee from co-operative societies.

*6. **Maulvi ABDUL LATIF BISWAS:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) the amount realised as audit fee from co-operative societies during the year 1924-25;

(*ii*) the amount spent on the pay and travelling allowance of the auditors for that year?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*i*) and (*ii*) The receipts from audit fees were Rs. 1,24,542 and the total expenditure on audit staff Rs. 92,700 in 1924-25.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister in charge be pleased to state why this surplus amount of audit fees in 1924-25 has not been utilised by the appointment of more auditors, though there are not a sufficient number of auditors to audit the co-operative societies according to the Government rules?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: An additional staff of auditors has since been appointed.

Bengal Tenancy (Amendment) Bill.

*7. **Babu JITENDRALAL BANERJEE:** Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state when Government propose to introduce the Bengal Tenancy Act (Amendment) Bill for the consideration of this Council?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The member is referred to the reply to Starred Question No. 1 put at this meeting by Babu Jogindra Chandra Chakravarti.

Babu JITENDRALAL BANERJEE: Sir, arising out of that answer may I ask the Hon'ble Member whether he has any idea as to when the Committee will finish its labours?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have no better idea than the hon'ble mover of this question.

Platforms and waiting-rooms at Faridpur and Kalukhali stations on Eastern Bengal Railway.

***8. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether he is aware that there are no raised platforms at Faridpur and Kalukhali stations on the Eastern Bengal Railway?

(*b*) Is the Hon'ble Member aware that no steps are provided for the intermediate and third class passengers to get in or to get out of the compartments?

(*c*) Is he aware that it is very inconvenient and dangerous for the lady passengers in those stations for want of raised platforms?

(*d*) Is he aware that there are no waiting-rooms in those stations?

(*e*) Will the Hon'ble Member be pleased to state whether there is any likelihood of the provision of the raised platforms and waiting-rooms in those stations in the near future?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) Yes. Steps are not usually provided for intermediate and third class passengers.

(*c*) It is admitted that it is somewhat inconvenient for passengers.

(*d*) There is a passenger waiting shed and an Indian ladies waiting-room at Kalukhali. There is also a passenger waiting shed at Faridpur.

(*e*) As there is a proposal to build a new Faridpur station more conveniently situated for the public, there is no likelihood of raised platforms or waiting-rooms being constructed at this station. As regards Kalukhali, the average number of passengers per diem is so small that the Railway does not at present intend to construct additional waiting accommodation or raised platforms. It is also probable that the proposed line to serve the interior of the Faridpur district south west of Rajbari will greatly reduce the present number of passengers travelling to and from this station.

Train service between Rajbari and Faridpur in connection with Up Chittagong Mail.

*9. **Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether it is a fact that the passengers going to Faridpur by Up Chittagong Mail have got to wait 4 or 5 hours for the next available train from Rajbari to Faridpur?

(*b*) If so, is he aware of the general complaints of the inconvenience caused to the travelling public for want of a corresponding train service with Up Chittagong Mail between Rajbari and Faridpur?

(*c*) Is there any possibility in the near future of their being provided a corresponding train service with Up Chittagong Mail between Rajbari and Faridpur?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) and (*c*) A summary of the present and proposed timings of the Chittagong Mail and of 25 Up Passenger showing their connections at Rajbari for the Faridpur Branch is appended. The proposed arrangements will have effect from the 1st March 1927, and it will be noticed that the Faridpur connection will then be considerably improved.

Summary referred to in the reply to clauses (b) and (c) of starred question No. 9.

		Present timings	Proposed timings from 1st March 1927.
5 UP CHITTAGONG MAIL.		H. M.	H. M.
Calcutta	Departure	6 40	6 40
Rajbari	Arrival	11 46	11 46
Do.	Departure	17 0 (107 F)	12 58 (183 Up)
Faridpur	Arrival	18 37	14 10
25 UP PASSENGER.			
Calcutta	Departure	22 50	22 50
Poradaha	Arrival	5 38	5 38
Do.	Departure	7 52 (25 G. Up)	6 8 (25 G. Up)
Rajbari	Arrival	10 36	8 46
Do.	Departure	11 0 (25 F. Up)	9 16 (25 F. Up)
Faridpur	Arrival	12 12	11 0

Unstarred Questions.

(Answers to which were laid on the table.)

Recommendations of Taxation Enquiry Committee.

1. **Maharaja SASHI KANTA ACHARYYA CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether the opinion of this Government has been invited by the Government of India on the recommendations made by the Taxation Enquiry Committee, and whether the said recommendations are under their consideration?

(*b*) Are the Government considering the desirability of giving the Legislative Council an opportunity to discuss those recommendations of the said Committee that are likely to affect Bengal before formulating the views of Government thereon?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*a*) Yes.

(*b*) No. It is of course open to any member of the Council to put forward, in accordance with the rules, a resolution connected with the recommendations of the Committee for the consideration of the Council.

Schemes for construction of canals from the Damodar River in Burdwan.

2. **Mr. P. C. BASU:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether there are any schemes for construction of canals leading out of the River Damodar in thanas Raina, Khandoghosh or any other thana in the district of Burdwan?

(*b*) If the answer to (*a*) is in the affirmative—

(*i*) will the Hon'ble Member be pleased to state whether any work in that connection has been taken up; and

(*ii*) what progress, if any, has been made in that direction?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) The only scheme for the construction of a canal from the Damodar River in the Burdwan district is that of the Damodar Canal.

(*b*) (*i*) The work was commenced during the current financial year.

(*ii*) Land acquisition and collection of materials are in progress and also surveys with a view to selecting the cheapest alignment for the canal.

Improvement of Alaipur Khal.

3. **Rai JADUNATH MAZUMDAR Bahadur:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what is the present stage of the project for the improvement of Alaipur Khal in the district of Khulna?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: A detailed project has been prepared for the partial canalisation of the Alaipur Khal, and is now under the consideration of Government and the financial aspects are being examined.

Silt-bar in the Icchamati at Kishangunja.

4. **Rai JADUNATH MAZUMDAR Bahadur:** (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware of the silt-bar in the Icchamati at Kishangunja?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, are the Government taking for the removal of the same?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) Yes.

(*b*) The bar has been examined and appears to be a natural formation. It does not obstruct, so far as is known, the water entering the Icchamati from the Mathabhanga. Government do not propose to take any steps at present for the removal of the bar, but will keep the matter under observation.

Bengal Tenancy (Amendment) Bill.

5. **Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) whether the Bengal Tenancy (Amendment) Bill will be introduced in the next July session of the Council;

(*ii*) whether the same Bill as settled by the Select Committee will be introduced;

(*iii*) whether the Member-in-charge will move for a reference to a Select Committee if any change is made in the said Bill before introduction?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The member is referred to the reply to Starred Question No. 1 put at this meeting by Babu Jogindra Chandra Chakravarti.

Mussalmans in the ministerial staff of the Collectorate, Chittagong.

6. **Khan Sahib Maulvi ABDUS SATTAR:** Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state what effect is being given to the Government circular for providing 45 per cent. Mussalmans in the ministerial staff of the Collectorate, Chittagong?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The member is apparently referring to the Government *communiqué*, dated 21st December, 1925. The proportion of 45 per cent. in that *communiqué* refers to administrative appointments and not to ministerial posts. Therefore the question does not arise.

Communal trouble at Pirojpur.

7. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether there was any communal trouble at Pirojpur in the district of Bakarganj during the early part of January, 1927, in connection with the passing of some religious procession with music by the side of a mosque through a public thoroughfare;

(*ii*) whether the District Magistrate personally went to the locality and decided the matter finally?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state what was his decision and ruling in the matter?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) (*i*) Yes.

(*ii*) Yes.

(*b*) A copy of the District Magistrate's order is placed on the table.

Copy of the order referred to in the reply to unstarred question No. 7.

ORDER IN THE MATTER OF PROCESSION AT PIROJPUR.

I have made an exhaustive enquiry into the custom and have come to the following conclusions:—

(1) There is no custom for Hindu processions to cease music on the road by the west of the mosque.

(2) Hindus have on occasions stopped music on the road to the south of the mosque or avoided this road in their processions.

The Hindus are prepared, as a concession to Muhammadan religious sentiment, to stop music during the hours of congregational prayer on the road by the south of the mosque. The Muhammadans do not consider this at all sufficient, but are prepared to abide by my orders in the matter. While I have been unable to find that any definite custom exists regarding the south road, I consider that what the Hindus are prepared to concede is as much as can possibly be made out of the conflicting versions as to previous practice.

I, therefore, direct that processions in Pirojpur shall in future be regulated (*a*) to allow processions with music at all hours by the west road and all other roads except the Cutchery Road between the mosque corner and the Kalibari Goalpatti Road, (*b*) to allow processions with music by the south road within those limits during the hours other than those of Muhammadan congregational prayer, and (*c*) to allow processions without music within those limits on the south road during the hours of Muhammadan congregational prayer.

E. N. BLANDY,

District Magistrate.

The 21st January 1927.

The hours of congregational prayer referred to in the above order are as follows:—

Fazar—Half an hour before sunrise to sunrise.

Juma—1 to 2 P.M., but on Fridays 12-30 to 2 P.M.

Asar—4-30 to 5-30 P.M.

Maghrib—Sunset to half an hour after sunset.

Esha——8 to 9 P.M., but during Ramzan from 8-30 to 11 P.M.

E. N. BLANDY,

District Magistrate.

The 21st January 1927.

Bengal Tenancy (A[illegible] II.

8. Khan Bahadur Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state when the Government propose to introduce the Bill amending the Bengal Tenancy Act in the Bengal Council?

(*b*) Will the Hon'ble Member be pleased to state whether the Government have applied for sanction to the Governor-General?

(*c*) If so, when?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) See answer to Starred Question No. 1 put at this meeting by Babu Jogindra Chandra Chakravarti.

(*b*) and (*c*) The Bill of 1925 was sent to the Government of India for sanction, but no subsequent Bill.

Khan Bahadur Maulvi EKRAMUL HUQ: Will the Hon'ble Member be pleased to say when Government propose to apply to the Governor General for assent to the introduction of the Bengal Tenancy (Amendment) Bill?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur: After the report of the Committee is received, we shall consider this question.

Khan Bahadur Maulvi EKRAMUL HUQ: Will the Hon'ble Member be pleased to state when that will come about?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur: I cannot say.

Percentage of Mussalman officers and Mussalman prisoners in the Jail Department.

9. Khan Bahadur Maulvi EMADUDDIN AHMED: Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to lay on the table a statement showing—

(*i*) the percentage of Mussalman officers in each of the two branches, executive and clerical, in the Jail Department before and after the reorganisation;

(*ii*) the percentage of Mussalman prisoners in the jails of Bengal;

(*iii*) the number of Hindu Assistant Jailors as well as the number of Mussalman Assistant Jailors promoted to the rank of Deputy Jailors after the reorganisation; and

(*iv*) what percentage of the posts of Deputy Jailor has been filled up by promotion from among the Muhammadan Assistant Jailors?

MEMBER in charge DEPARTMENT of REVENUE (JAILS) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): A statement giving the information is laid on the table.

Statement referred to in the reply to unstarred question No. 9.

(*i*) Percentage of Mussalman officers in the Jail Department—

Before reorganisation—	
Executive Branch	... 23·5
Clerical Branch (there was no separate cadre).	
After reorganisation—	
Executive Branch	.. 11·9
Clerical Branch	... 39·5

(*ii*) Percentage of Mussalman prisoners in 1925 – 57·07

(*iii*) Number of Assistant Jailors promoted to Deputy Jailors—

After reorganisation—	
Hindus	... 4
Mussalmans	... 2

(*iv*) Percentage of Deputy Jailors' posts filled up by promotion from among the Muhammadan Assistant Jailors after the reorganisation—33·3.

Residence of the Chairman of District Board.

10. Mr. P. C. BASU: Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether the Chairman of any District Board is required actually to reside at the headquarters of the district?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): The Chairman is not required to reside at the headquarters of the district.

Trade through the Calcutta Port.

11. Srijut TARAKNATH MUKERJEA: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state how many Indians and Indian firms have transacted import and export trade through the Calcutta Port in the year 1925-26?

(*b*) How many non-Indians and non-Indian firms have transacted the same business through the Calcutta Port in 1925-26?

(*c*) The total value and tonnage of goods that have been transacted by Indian and non-Indian firms?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*), (*b*) and (*c*) The information is not available.

Mosque in the Chittagong Court compound.

12. Khan Sahib Maulvi ABDUS SATTAR: (*a*) Is the Hon'ble Minister in charge of the Department of Public Works aware of the repeated representations of the Mussalmans of Chittagong for a site in the court compound for a mosque and the approval of the local authorities to the grant of a site for the purpose?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken by the Government to give effect to it?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. Byomkes Chakravarti): (*a*) Yes, so far as the representations are concerned.

(*b*) Government have decided not to alienate land attached to courts for the purpose of building religious edifices.

Khan Sahib Maulvi ABDUS SATTAR: Is the Hon'ble Minister aware that there is a piece of land that does not belong to the Court but is very close to it; that piece can be set apart for this purpose?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I am not aware of that.

Rivers Bhairab, Ichamati and Jamuna.

13. Babu NAGENDRA NATH SEN: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is in the contemplation of the Government to excavate and dredge the silted up portions of the rivers Bhairab, Ichamati and Jamuna from their respective sources so as to make them navigable throughout the year?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, have been taken in this direction since the conference held at Krishnagar?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) No.

(*b*) Does not arise.

Doors of female waiting-rooms at stations on Eastern Bengal Railway.

14. Babu JOGINDRA CHANDRA CHAKRAVARTI: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that within the last 3 or 4 months one of the two doors of all female waiting-rooms at all stations on the northern section of the Eastern Bengal Railway has been closed?

(*b*) Is the Hon'ble Member aware that before the closing of the doors Indian *purdah* ladies could walk into and go out from the platforms through the female waiting-rooms without using the common passage open to all classes of passengers?

(*c*) Is the Hon'ble Member aware that the closing of the doors is causing a good deal of inconvenience to the *purdah* ladies who have to use the same passage with males for ingress to and egress from the railway platforms?

(*d*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking any steps to get these doors opened in the interests of the convenience of the female passengers?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) Yes.

(*c*) Government are not aware that there is any serious inconvenience.

(*d*) The matter was discussed with the Advisory Committee who approved the arrangements. The local Government do not propose moving in the matter.

Platforms at stations on Eastern Bengal Railway.

15. Babu JATINDRA NATH CHAKRABURTTY: (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether the attention of the Government has been drawn to the fact of the inconveniences which the people in general and ladies, children and old people in particular have been experiencing in getting into and down from the railway trains at the important junction stations, namely, Kaunia, Teesta, Lalmonirhat and other stations in the Eastern Bengal Railway for want of platforms?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take for the removal of this inconvenience?

The Hon'ble Mr. J. DONALD: (*a*) No.

(*b*) Government do not propose to move in the matter. There is an Advisory Committee to which the member may refer.

Drinking water-supply in rural areas.

16. Babu JATINDRA NATH CHAKRABURTTY: (*a*) Has the attention of the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) been drawn to the number of inhabited villages in the district of Rangpur which have not any or, if at all, a very insufficient local supply of good drinking water for men and cattle?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether any such statistics are being or will be taken?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) (the Hon'ble Mr. Byomkes Chakravarti): (*a*) Not specially. Government are aware that in most of the districts of Bengal there is a scarcity of good drinking water in rural areas.

(*b*) Not by Government.

Rai HARENDRANATH CHAUDHURI: Are the Government aware that when Lord Carmichael was Governor of Bengal, there was a conference of officials and non-officials in Darjeeling to devise ways and means for the improvement of the water-supply of Bengal, and at that meeting .....

Mr. PRESIDENT: Will you kindly put it in the form of a question?

Rai HARENDRANATH CHAUDHURI: Yes, I am only stating the facts. At that meeting a resolution was come to for the water survey of this Province?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: There has been a water survey, but it has not been brought up-to-date and completed, therefore nothing has been done.

Rai HARENDRANATH CHAUDHURI: Will any steps be taken to complete that survey?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I shall be obliged if my friend will give me notice of this question.

Lepers in Calcutta.

17. Maulvi ABDUL KARIM: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) be pleased to state whether he is aware that lepers roam about in Calcutta spreading contagion?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking any steps to put a check to this leper peril in the city?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) Yes.

(*b*) Yes; but no effective steps for the segregation of lepers can be taken without providing asylums with sufficient accommodation. The establishment of a leper colony at Midnapore is at the moment under the consideration of Government.

Dr. PRAMATHANATH BANERJEA: Is it not possible to develop and extend the asylum at Gobra?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I am afraid I I must ask my friend for notice of this.

Bengal Junior Civil Service.

18. Rai JADUNATH MAZUMDAR Bahadur: Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether he has been apprised of the dissatisfaction felt in the ranks of members of Subordinate Civil Service due to the distinction in the matter of salary and position between them and the members of the Bengal Civil Service?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): I am aware that representations have been made to Government by members of the Bengal Junior Civil Service expressing disappointment that their pay and prospects have not been improved.

Khan Bahadur Moulvi AZIZUL HAQUE: Will the Hon'ble Member in charge of the Appointment Department be pleased to state what steps are being taken to remove this grievance?

The Hon'ble Mr. A. N. MOBERLY: As regards the increase in the pay of the Bengal Junior Civil Service no steps are being taken.

Proposed Medical School at Barisal.

19. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: Will the Hon'ble Minister in charge of the Department of Local Self-Government (Medical) be pleased to state whether the Government has received any application from the President or Secretary, Barisal Medical School Committee, for taking up early the extension work of Barisal Dispensary at the cost of the Committee?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (MEDICAL) (the Hon'ble Mr. Byomkes Chakravarti): No such application has been received.

Forest boundary in Cox's Bazar.

20. Khan Sahib Maulvi ABDUS SATTAR: Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state whether it is a fact that the new boundary line of the forest in Cox's Bazar has been placed by the side of culturable land leaving no margin?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): Government has as yet no information, but the point will be examined before the new boundaries of reserve forests proposed by the Settlement Officer and the Forest Officer jointly are notified.

Motion for the adjournment of the House.

Mr. K. C. RAY CHAUDHURI: Sir, I beg leave to move a motion for the discussion of an urgent matter arising out of the situation in Kharagpur due to firing, of which I have given notice.

Mr. PRESIDENT: Have you obtained my written permission, Mr. Ray Chaudhuri?

Mr. K. C. RAY CHAUDHURI: I have submitted my motion in writing, and I beg leave of the House to move it.

Mr. PRESIDENT: I think you are too late to-day.

Maulvi ABUL KASEM: I gave you notice of a similar motion, Sir.

Mr. PRESIDENT: I do not think you have obtained my written permission either, Mr. Kasem, and I think the reasons why you cannot move the motion were given by me on that notice. I would now ask the Hon'ble Mr. Donald to present the Budget.

Government Business.

Budget of the Government of Bengal for the year 1927-28.

The Hon'ble Mr. J. DONALD: It is my privilege once again to present to this Council the budget estimate of the Government of Bengal for the coming year. And as my tenure of office will expire before another budget session comes round, this will be my last. I do not propose to occupy the time of the Council in any detailed review of the financial position during the years in which I have held office as Finance Member—in fact I propose to deal more briefly than usual with the position of our finances and the proposals for new expenditure as full information is given in the financial statement which members can study at leisure. But there are certain factors which have prevailed during the past five years, in fact since the beginning of the reforms, to which I must allude in order that the position at the present time may be more definitely understood. As the Council is aware, we started with a very unfavourable settlement. We secured relief to some extent by the remission, temporary in name but in reality I hope permanent, of our provincial contribution, but were compelled notwithstanding this to impose new taxation in order to ameliorate our financial position. Our main difficulties have been as to the estimates. Revenue receipts are very susceptible to the varying conditions of trade and agricultural prosperity, and it is never easy to frame estimates several months ahead. The difficulty is, however, increased when the effect of new taxation has to be taken into account, and in these cases it is impossible to ensure estimates with any accuracy.....

Mr. A. C. BANERJEE: We cannot hear Mr. Donald properly. We should have copies of his speech supplied to us.

Mr. PRESIDENT: I think the Hon'ble Member is loud enough.

Mr. A. C. BANERJEE: I beg your pardon, Sir, ordinarily copies are circulated to us before the speech is delivered. Further, even if we do hear, it is difficult to follow him, and that is why we want copies.

The Hon'ble Mr. J. DONALD: I am not going to circulate copies before the speech is delivered.

Rai HARENDRANATH CHAUDHURI: On previous occasions copies were circulated.

The Hon'ble Mr. J. DONALD: Copies were circulated after my speech was delivered, not before.

This difficulty of estimating was experienced in a very marked degree in the year 1922-23, and has been felt, though to a diminishing extent, throughout the following years. On the expenditure side, the task has been even more difficult. There has been, since the initiation of the reforms, a general revision, following largely on economic conditions, of the emoluments of the services, superior and inferior—including not only the concessions made as a result of the Lee Commission, but also the revision that we have, of ourselves and on our own initiative, made for certain of the services which did not come under the purview of that Commission. And with this revision there has been the complication of the consequent pensions. It takes some time, in a system where pay is incremental, for the expenditure to settle down to a normal average figure, and it is only now that we are beginning to gauge more accurately the annual average expenditure on our various establishment. Then again we have had to gauge the capacity of the different departments to incur expenditure under the new conditions. So far it has been our experience that the departments have generally been unable to spend all that has been given them in the budget. To some extent this has been due to our allowing lump provisions for new schemes in the transferred departments before they were actually ready for execution, in the hope that they would materialise during the year. But frequently they have either failed to materialise during the year or have been brought into effect so late in the year that there were large savings. These various considerations explain how it has happened that in so many years our actual expenditure fell far short of the budget allotment, and with the remission of our provincial contribution led to the large accumulations in our balances. With the disappearance of these very disturbing factors and a better insight into the working of the departments, we have now got down to a more normal basis—and as a result of that, we have found ourselves in a better position to determine more accurately our true financial condition and the amount available for schemes involving "new" expenditure.

We have evidence of this in the results of the year 1925-26, for which the actuals, now definitely known, exhibited a very close approximation to the revised estimate I placed before the Council last year. Our estimates under the main heads of revenue were very near the mark, and on the whole our estimate of receipts was only Rs. 6 lakhs short of the total revenue of Rs. 10,70,60,000. On the expenditure side on a total of Rs. 10,31,05,000 we overestimated expenditure to the extent of Rs. 14 lakhs—a very small percentage, spread over numerous heads. These total figures I have just mentioned exclude loan and capital operations. Taking everything into account,

our income in 1925-26 was Rs. 11,04,64,000 and our expenditure Rs. 10,60,29,000. We closed the year 1925-26 with a sum of Rs. 2,38,26,000 in our balances.

With these preliminary observations, let me turn to the working of the current year.

1926-27 has not turned out to be a good year for our finances, and our estimate of "Total Receipts" is now Rs. 20 lakhs below our expectations. For this "Stamps" account almost entirely. The general depression in trade, the fall in the price of jute, and possibly to some extent the effect of the riots that took place during the year, have all combined to reduce the revenue from this source, which, so far as we can estimate it at present, is likely to be as much as Rs. 28 lakhs below our estimate. Smaller increases in other departments, notably Forests, combine to minimise the loss and reduce it to the figure of Rs. 20 lakhs I have just mentioned.

On the expenditure side,—I refer to the total expenditure—there are again large savings, once more largely from inability to spend the money granted in the Supplementary Estimates or to give effect to schemes for which provision was made. There has been a good deal of saving in the provision made for the pay of officers and establishment under several of the budget heads, the Irrigation Department has not been able to spend as much as was anticipated in connection with the bridges over the canals round Calcutta, and in certain of their drainage schemes, and for various reasons too the Public Works Department has not been able to spend up to the budget provision. The schemes for dealing with the water hyacinth and for the "district public health organisation" have still not come to fruition, and there have been large savings in connection with these two schemes. The net result of the working of 1926-27, as we now estimate it, is a total income of Rs. 10,73,74,000 as against Rs. 10,93,87,000 in the budget, and a total expenditure of Rs. 11,19,21,000, compared with Rs. 11,23,58,000 originally provided, supplemented by a sum of Rs. 33,18,000 granted in the Supplementary Estimates, leaving us with a closing balance of Rs. 1,92,79,000.

It is difficult to foretell what may be the course of events in 1927-28. Should the existing trade depression continue, our Stamp revenue is not likely to vary much from the figure of the current year. But I am optimistic enough to hope for some improvement and a return to somewhat more normal conditions, and in this view I have placed the Stamp Estimate at Rs. 13 lakhs more than in the current year. Even with this increase, the estimate of Stamps is still about Rs. 10 lakhs less than the actual revenue of 1925-26—and very considerably below the total revenue that was expected as a result of the increased Stamp duties. The only other change of any size is Excise. Through the riots of 1926 we lost a good deal in revenue from liquor, which

was very largely made up by increased receipts from opium and hemp drugs, following on increased duty on *ganja* and higher prices for opium. These increased receipts from drugs and opium should continue, and there should not, under more normal conditions, be the fall that occurred in liquor in the current year. I expect therefore an increase in the revenue from this source of about Rs. 3¾ lakhs. With the exception of an anticipated rise in the forest revenue of about two lakhs, there are no great variations in the other estimates of receipts, and the revenue we expect in the coming year is Rs. 10,73,39,000, or Rs. 15½ lakhs approximately, over that which we now calculate to receive in 1920-27. This excludes from consideration our loan operations.

I now turn to the expenditure for 1927-28. Those who were in the last Council will remember that our chief difficulty has been to secure funds to meet new expenditure of a recurring character. It is self-obvious that development and progress cannot proceed unless funds are available to meet recurring charges. An increase in revenue will provide such funds, but this is not the only way, more accurate estimates of expenditure will have a similar effect. Budget provision in excess of actual expenditure has the effect of curtailing the amount of money available for expenditure on new schemes involving recurring expenditure. During the past few years, as I have already stated, we have gained considerable experience of the actual provision required for present sanctioned establishments, and are now in a position to budget more accurately. The result has been that we have been able to effect reductions in the budget provisions under several heads, and this has had the effect of making more money available for new recurring expenditure. At the same time, our balances—standing as they do at a figure of about 2 crores—make it possible to meet from these balances a certain amount of non-recurring expenditure associated with new recurring schemes, as well as projects purely of a non-recurring character, such as public works. The upshot of all this was that, when we came to consider proposals for new expenditure, Government were in a position to make liberal provision for new expenditure in the several departments,—except in Civil Works, where the expenditure must be determined by the spending capacity of the Public Works Department.

The expenditure which we contemplate in 1927-28, exclusive of expenditure outside the Revenue Account, with the exception of the repayment of loans to the Government of India, amounts to Rs. 11,12,80,000. This is Rs. 25,69,000 in excess of the revised estimate for the current year and Rs. 39,41,000 over and above our estimated revenue receipts. We propose to meet the excess of expenditure over receipts, which is entirely of a non-recurring character, from our balances. The new expenditure proposed on revenue account

amounts to Rs. 41,12,000, of which Rs. 13 lakhs is of a recurring and Rs. 28 lakhs of a non-recurring or capital character. The latter figure may appear small when compared with our balances, but we cannot leave out of account our commitments for which no budget provision has yet been made and the future liability thrown upon our resources by these schemes of new expenditure. Amongst our commitments are the annual contribution towards the new Howrah Bridge, annual charges on account of new medical schools, and our contribution for the Bally Bridge. The provision made in the budget for 1927-28 for expenditure on new schemes, recurring and non-recurring, is limited to the amount estimated to be spent in that year. In a large number of cases this is less than the ultimate expenditure, and the difference between the ultimate expenditure and the estimated expenditure for the year 1927-28 forms a liability which we must be prepared to meet. We estimate that the schemes involving new recurring expenditure will throw upon us a further recurring liability of Rs. 4¼ lakhs and nearly a lakh of rupees in capital charges. Further on "Non-recurring" schemes, other than Civil Works, there is a future liability of over Rs. 28½ lakhs, and on Civil Works schemes, on which it is proposed to spend Rs. 11½ lakhs next year, a similar liability of Rs. 12 lakhs. The advance is thus quite considerable. Included in the new proposals is an item which is not really a new scheme of expenditure but rather a surrender of existing revenues. There have been, from time to time, requests to Government for the transfer to local authorities of the income from ferries within their jurisdiction. Hitherto, even apart from other considerations, Government have had to turn a deaf ear to these requests in view of their own financial plight. But some time ago Government decided that on principle ferry revenue should be made a local source of revenue and that effect should be given to this decision when it was found financially possible to do so. In the present state of our finances, we have come to the conclusion that this can now be done, and the gross revenue from this account, which amounts to just over 1¼ lakhs of rupees, will in future be made over to the local authorities. This decision will, I am sure, give satisfaction to all the local bodies interested in this question.

In addition to the expenditure I have already mentioned, the budget for 1927-28 provides for an expenditure of Rs. 45,56,000 outside the Revenue Account, Rs. 19 lakhs on the Damoodar and Bakreswar Irrigation Projects, Rs. 3½ lakhs for the Calcutta Police Building Scheme, Rs. 2 lakhs for the New Council Chamber, about Rs. 10¾ lakhs for loans to local bodies, co-operative societies and cultivators, and Rs. 9 lakhs for the commuted value of pensions. Expenditure on the Damoodar Irrigation Projects, the Calcutta Police Building Scheme, the Council Chamber and the loan to the Commissioners for the Port of Chittagong is being financed from loans, the other expenditure is being provided from our balances.

Let me now touch briefly on the main items of expenditure under the various heads of the estimates.

Our proposed expenditure on Land Revenue is slightly higher than that of the current year. We continue the special grant for improvements in our Government estates, as well as continue expenditure on the Colonisation Schemes in the Sunderbans. And in the matter of settlement operations we propose to make a commencement in the Burdwan district. Excise expenditure shows little variation—the estimate is in fact below the budget provision for the current year. As I have already shown, we have had a good increase in revenue from our forests. This has followed on the increased expenditure which we have put into the forests to secure greater development, and the special expenditure which we propose for next year should add greatly to the value of the forests, accompanied by, we hope, a further addition to our revenues. We have also been able to effect a long-needed improvement in the pay of extra copyists in Registration offices. We propose to increase the rate of remuneration for every 3,000 words from Re. 1 and annas 10-8 in the Calcutta and mufassal offices respectively to Re. 1-4 and Re. 1; this will involve an additional annual charge on our revenues of Rs. 1 lakh.

The Irrigation programme which I outlined last year will largely continue in operation during 1927-28, and provision has been made for the charges on account of the Damoodar Canal project, the flushing of the Bhairab in the Meherpur subdivision of Nadia, the improvement of the Gobra Nala in Murshidabad, the measures of protection in the Ghatal subdivision, and the operations in the Madaripur Bhil route. The only new proposal of any magnitude is the Bakreswar Irrigation project in the district of Birbhum. This is a project partly for irrigation and partly for sanitation, and will irrigate about 10,000 acres of land. The scheme has been so designed that some water will be delivered into tanks, when the supply is above that required for irrigation purposes, with the object of forming a reserve for assisting in supplying water to the fields in October. I would refer members of the Council to the Financial Statement for the various details of our expenditure on Irrigation and its allocation under the different heads of the budget. As I indicated last year, the accounts are maintained in a form which is somewhat complicated and can be more readily grasped by a careful study of the Financial Statement than by any observations I might make now. But the general trend of the programme of operations is as I have just outlined it.

On General Administration there is an increase over the expenditure of the current year by a sum which corresponds to the pay of the Ministers. Within the budget there are certain variations which are

set out in the Financial Statement and need hardly be referred to here. I would mention only one item, and that is that we have restored, although only to half their previous figures, the grants to Commissioners and District Officers for distribution at their discretion on general purposes of a public character and of benefit to the people, which may be brought to their notice from time to time. Our building plans in connection with our revenue establishment are also set out in the remarks under this head in the Financial Statement.

A comparatively small increase in the charges for the "Administration of Justice" follows on ordinary fluctuations in establishment charges. Certain judicial buildings are on the programme mainly intended to provide residences for Munsifs in localities where other suitable accommodation is not available.

The most important new item in the Jail Budget is the scheme for a Borstal Institution. The idea is to convert the jail at Bankura into a Borstal Institution and to provide a sub-jail at this place for ordinary jail administration. A Borstal Institution is a place in which youthful offenders, between the ages of 16 and 21, may be given such industrial and other instruction and subjected to such disciplinary and moral influences as will conduce to their reformation. Until the Borstal Act is brought into force, it is intended to concentrate all persons between the ages of 16 and 21 with comparatively long sentences in this institution. The condition of some of our jails necessitates a considerable strengthening of the jail staff, and an addition is being made to the number of Deputy Jailors and Jail Clerks. We propose also to expand the woollen mills at the Dacca Jail, a concern from which we derive much advantage, as while furnishing employment for prisoners, these mills provide us with the blankets required for our jails, Government departments and the Eastern Bengal Railway.

The Police Budget although below the total allotment for last year, inclusive of the supplementary grant, is somewhat higher than the revised estimate for the current year. There are of course the ordinary fluctuations, chiefly on account of pay of establishment, and the main new items of expenditure centre round the better equipment of the force, inclusive of better and more adequate housing conditions, all tending to better hygienic conditions with a consequent improvement in the general health and efficiency of the force. These considerations have compelled us also to construct new police lines at Bogra. The existing buildings at that place are badly designed and overcrowded and the present site is far too cramped. There is also a proposal to strengthen the striking strength of the Calcutta Police force by the creation of an additional company

of armed police. In Calcutta the programme for the construction of buildings, which is being financed from a loan, will be continued, and we intend also to commence work on the construction of our own buildings to house married officers and sergeants whom we now have to accommodate in hired quarters at considerable expenditure to Government.

Those who were in the last Council will remember that last year Education came in for a very substantial share of the money allocated for new expenditure. This department has again been very fortunate, and once more a distinct advance has been made. The chief item is a further instalment of subventions towards improving the remuneration of primary school teachers, and on this occasion we are also able to make a substantial contribution to assist in improving the pay of teachers in non-Government secondary schools. A large amount has also been set apart for the introduction of a scheme of agricultural education in middle English and high English schools, and we have made provision for physical instruction in colleges and schools. To the universities, and more particularly the Dacca University, we have again been liberal. It will be of interest to the Muhammadan members of this Council to know that we have provided for the appointment of a Professor of Islamic Studies and Culture in the Post Graduate Department of the Calcutta University, and that we have agreed to provide the funds necessary for the construction of a Muslim Hall at the Dacca University. For this latter University, we have also agreed to finance the Sewage Scheme which will link up the University buildings with the main sewage system of Dacca town. I will not detain the Council by enlarging on the many other new schemes which we propose in the Education Department. They form quite a long list, as will be seen from the Financial Statement. They include several building grants and grants-in-aid as well as provision for increased establishments. I am sure that, when members of the Council study our proposals with regard to the Education Department, they will feel satisfied that we have done this branch of the transferred activities very well indeed.

Turning to the Medical Department, it will be seen that the proposed expenditure is about a lakh less than that estimated as the charges of the department for the current year. This is explained chiefly by the fact that our contribution to the Bihar and Orissa Government for the Mental Hospitals at Ranchi will be less than that of the present year. We have met all the present demands for grants to hospitals and for medical purposes, which were somewhat less than those of 1926-27. Included in these are the Government contributions towards the establishment of new medical schools. The schemes for Jalpaiguri and Chittagong Medical schools have been approved, work at Jalpaiguri has commenced, and it is hoped that a start will be made

at Chittagong at an early date. The scheme for a medical school at Berhampore is likely to mature at an early date, while those for Hooghly-Chinsura and Barisal are still under examination. Our building programme other than that on works in progress is comparatively small.

Public Health which, it may be remembered, we increased largely last year also shows a lower expenditure in 1927-28—a diminution due to the fact that the demands on us for public health purposes have been lesser in amount. Provision was made during the current year for very large grants for the Dacca and Titagarh Sewage Schemes, but these are not balanced by any large schemes of a corresponding amount in the coming year. In addition to repeating the grants for certain water-supply schemes, not likely to be drawn this year, we have provided for several new schemes—all the schemes which were ready for expenditure—including the water-supply schemes at Asansol, Narayanganj, Tamluk, Faridpur and Khulna, as well as a drainage scheme at Suri. We have also provided for a subvention to local bodies to cover the cost of the vaccinating staff, which it is proposed to transfer to their control.

In Agriculture we propose to add an additional expert officer to the department in the shape of an Agricultural Engineer, and certain expenditure will be necessary under this head in connection with the scheme, to which I referred in dealing with Education, for agricultural education in middle English and high English schools. The main activity of the department consists in a scheme estimated to cost nearly Rs. 8¾ lakhs, for the improvement of the drainage of 112 square miles of the Soadighi, Gangakhali and Sankarara basins in the Tamluk subdivision of the Midnapore district. These basins have suffered from congested drainage for many years with the result that in years in which the rainfall is heavy in the early part of the season a very large area cannot be brought under cultivation.

In the department of Industries it is intended to add new buildings to the Serampore Weaving School. At present the work of the Institute is greatly hampered by the lack of adequate accommodation. It is now proposed to erect new buildings for the school and to provide a new workshop. Those interested in the development of technical and industrial institutions, will be pleased to hear that we propose to augment progressively in the next three years the grant placed at the disposal of the Director of Industries for grants-in-aid to such institutions. The present grant will be raised by Rs. 30,000 in 1927-28, by a still further sum of Rs. 30,000 in the following year, and a similar addition the year after. In the light of the experience of these three years, the question of any further augmentation will be taken up when that period has expired.

On public works proper there is little that is new. The chief item of new expenditure is the construction of a road in the Porabazar land which is necessary if we are to get the full value of this part of our property.

There is one point in connection with the Stationery and Printing Budget on which some remarks are necessary. This is the establishment of a Depreciation Fund to meet the cost of renewal and replacement of plant and machinery at our press. This is an ordinary business practice, and by setting aside a sum each year for depreciation, we ensure the gradual replacements that are necessary in the plant without making undue demands on our revenues from time to time. An annual allotment for depreciation is really the equivalent of the annual expenditure of capital caused by normal wear and tear, and from the point of view of a correct knowledge of the demands on our finances, an annual provision of this kind is better than an unknown and perhaps sudden demand for new expenditure. It will still be within the power of the Council to criticise any proposed expenditure from the Fund so constituted, as the details of that expenditure will be shown in the budget as usual.

Of the remaining heads of expenditure I need refer only to Loans. Certain advances will be made, as will be seen from the Financial Statement, under the Drainage and Embankment Act for certain irrigation schemes, and there are a few proposals for loans to local authorities, chiefly for waterworks. A second instalment will be paid to the Chittagong Port Fund of the loan for the development of the Port to which this Council has already agreed. And in order to enable the Commissioners for the Howrah Bridge to meet preliminary expenditure in connection with the preparation of the design of the new Howrah Bridge, we propose to lend them Rs. 1½ lakhs during the coming year.

This completes my remarks on the detailed heads of the estimates of the coming year, and I trust that the proposals which I have outlined will meet with the approval of this Council. It is, as I have said on more than one occasion, difficult to differentiate between the allotments to the transferred and to the reserved departments, because there is much technically on the reserved side which in essence appertains to the transferred side, *e.g.*, the Irrigation Department carries out and has debited to it schemes which are really connected with Sanitation, Drainage or Agriculture. Budget heads, such as Printing and Stationery, Superannuation and Commutation of Pensions are in a similar position, while "Civil Works" combines projects of both the reserved and transferred departments. I do not propose, therefore, to make any comparison based on the strict definition of reserved and transferred departments. It will, I think, be more instructive and interesting to the Council if I indicate the

progress that has been made since the establishment of the reforms on the two sides of the budget. In 1920-21, the year preceding the reforms, Bengal spent Rs. 1,07,59,000 on Education. The expenditure during the current year will be Rs. 1,35,17,000—an increase of 26 per cent. The expenditure on Medical has increased by 52 per cent. from Rs. 38,02,000 to Rs. 57,83,000, while we have trebled the expenditure on Public Health, now Rs. 35,36,000 as against Rs. 12,58,000 in 1920-21. Agriculture has not advanced so rapidly it has risen from Rs. 18,00,000 to Rs. 21,42,000 or 19 per cent., but Industries, although the expenditure is not very considerable, has nevertheless increased by 34 per cent. from Rs. 8,82,000 to Rs. 11,80,000. Comparatively, these figures are much higher than the advances made on the Reserved side. The Land Revenue expenditure has increased by 3 per cent., General Administration 16 per cent., Administration of Justice under 10 per cent., and Police 11½ per cent. The percentages on the reserved departments are somewhat on the low side owing to the change in the payment of overseas allowances from rupees to sterling, but this does not appreciably affect the comparison.

On these figures I do not think any one can complain that in these years the transferred departments have been in any way neglected or not received a full share of what funds were available. It will no doubt be said that the transferred departments require far greater assistance, that much remains to be done in the matter of education, of public health, of agriculture and so on. I quite agree. So far we have allotted as much as was possible, consistent with the requirements of all departments, from the funds that have been available, and it may be possible to do more when normal trade conditions prevail and our Stamp revenue recovers. Even then with our inelastic sources of revenues progress will be extremely limited, and expansion the expansion that is necessary if Bengal is to make a great advance, particularly in those matters which affect the general health and well being of the province—that expansion, I say, will not be possible until our financial settlement is placed on a more satisfactory basis. I do not however propose to detain the Council to deal with the question of our settlement now as there will be an opportunity of discussing this subject within the next few days.

It will I think be realised that under present conditions, although progress must be limited by our present financial settlement, our financial position is generally satisfactory, and I shall be happy to feel that, when I leave the Government of Bengal, its finances are in a much sounder position than they were when I assumed office. But I cannot be oblivious to the fact that danger may yet be in store, that all these proposals which I have set out may yet have to go by the board, and that we may again be in a parlous condition. Such a state of affairs would be brought about should we again be called

on to resume the payment of our annual contribution to the Central Government. This contingency would not arise,—I think we may definitely assume it so—unless the finances of the Government of India were very seriously affected and that Government found themselves suffering heavily from depleted revenues, or considerable additional expenditure. At the moment I have no knowledge of the state of their current revenues, and would base no calculations nor make any prophecies on this side of their finance. But we cannot shut our eyes to the fact that a change in the value of the rupee from that at which it has been stable now for some time, a change that will reduce its value in sterling and its purchasing power in India, must inevitably mean a very heavy addition to the expenditure of the Central Government. And it is not unlikely, therefore, that the concession which we have secured in the remission of our provincial contribution will in that event be withdrawn. The Council will, I think, agree with me that this would be indeed a great calamity for Bengal. But more than that and even apart from the provincial contribution, such a lowering in the value of the rupee must inevitably increase our expenditure in England as well as our expenditure not only on imported articles purchased in India, but also on all that we buy in terms of rupees. We have our own Home charges payable through the High Commissioner and the Secretary of State, and under this head alone a change in the value of the rupee from 1/6 *d.* to 1/4 *d.* would add an annual charge of Rs. 5 lakhs to our existing expenditure. We have no detailed statistics to show what our increased expenditure would be on imported articles purchased in India, but this would not be inconsiderable. And we cannot forget that the increase in prices, which will follow a fall in exchange, must increase not only the cost of everything we buy in India, but also the cost of living for our employees and every one else in India, and call for a readjustment of the scales of salaries and wages of all Government servants. A further revision would appear to be inevitable, with again a heavy addition to our expenditure account.

It has been urged that the finances of the Government of India would not suffer because the additional expenditure forced on the Government of India by the lower rate of exchange would be recouped to some extent by the additional revenue on customs based on the higher rupee value of the imported articles. I doubt if this is the whole story, and whatever there may be in the argument, I would ask the question: "Who will pay this additional revenue?" Why—"we in the provinces"—not only would we have to pay the higher rupee values—we would have to pay the additional customs charge. And while this must add to the charges of the local Government on their own account, local authorities would also suffer and through them a further charge would be thrown on Government in respect of the assistance that they seek and obtain from the local

Government. Dispensaries and hospitals—generally working on a very tight budget—would find it difficult to meet the additional charges on imported medicines. Municipalities engaged on new schemes of water-supply and drainage would see a considerable addition to the estimates of works of this kind and a greater difficulty in finding the necessary funds, except through increased taxation. Many other similar instances might be quoted. If I may refer once again to the Howrah Bridge, the cost of materials must so increase that the money made available by our recent legislation would not provide for a bridge in any measure adequate to the needs; we should have to contemplate means of securing additional finance, and that would mean either an additional burden on our provincial finances or perchance an increase in the tax to be levied on Calcutta and neighbouring municipalities. Whatever way it be looked at, whether our provincial contribution will be affected or not, the effect of a lower exchange must inevitably be a very considerable addition to our expenditure and not only to that of Government but to all local institutions. This must mean a large curtailment of existing activities and a heavy bar to progress. I trust that our legislators in Delhi, and particularly so those who represent Bengal, will not be unmindful of these considerations, that they will do nothing to embarrass us, but that they will do all in their power to save us from falling again into that slough of despond from which with much effort and considerable sacrifice and after great tribulation we have managed to extricate ourselves.

New Legislative Council Chamber building.

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Sir, I move that this Council recommends to Government that the proposed new Legislative Council Chamber building should be entirely stone-faced, the estimated cost of which is 33,77,000, instead of constructing it, as was originally intended, with a stone plinth and plastered superstructure, of which the estimated cost is Rs. 25,56,000.

Now with regard to this resolution, Sir, the position is this. At the instance of the Architect it was found out that there would be an additional increase of about Rs. 8 lakhs if we wanted a more imposing and more expensive building. Personally, I am reluctant to spend any money—there is no desire on my part to spend more than I can help—but it is for the Council to decide the matter. Government do not want to treat this question as a question of confidence or no-confidence, neither do they wish to consider the question as a question in which they ought to take any side. But as, however, the Council was going to sit, and the question arose, it was considered

meet and proper that Government should take the Council into confidence and put it before the Council as to whether they wanted a more expensive building or not. We should remember that the new Council building is a national building—it concerns more the members of this House, it concerns more the honour of the people of Bengal. If they want that this Council Chamber will endure for all time as long as the nation remains, then it is for them to consider whether it ought to be a more costly, more expensive and a better looking building. An additional expenditure of Rs. 8 lakhs is involved and this will have to be met by loan, which means an additional cost of Rs. 45,000 a year. It is for the members of this House to decide either one way or the other. I can only say this that some members may feel that as it is to be a building of the nation where the deliberations and the affairs of the nation will have to be conducted, it ought to be a fitting building—fitting to the honour of Bengal.

Dr. BIDHAN CHANDRA ROY: May I inquire, Sir, whether the Council is committed to the expenditure of Rs. 25 lakhs for building the new Council Chamber? If I remember aright, the Council last year sanctioned Rs. 10,000 for the preparation of estimates and drawings.

The Hon'ble Mr. J. DONALD: Yes, we are committed to the expenditure of Rs. 25 lakhs.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, shall we be able to hear all the speeches in the new Council Chamber?

Maulvi SYED ABDUR RAUF: Sir, I rise to oppose this resolution. Sir, when thousands of people are dying of Cholera for want of drinking water, when thousands of people are suffering from Malaria and Kala-azar for want of treatment, the Hon'ble Minister in charge of Public Health Department has the luxury of demanding a sum of Rs. 8 lakhs and odd for the new building of the Council Chamber to be stone-faced. Sir, perhaps the lamentations of the widows whose husbands have been taken away by Cholera, perhaps the bewailings of mothers whose children have been snatched away from their bosoms, do not penetrate the heart of our Minister. The Council Chamber of the bureaucracy needs no stone as the very heart of the bureaucracy is made of stones of special quality. The proposed Council Chamber will be a standing shame and disgrace to the people of Bengal. The coming generation will shudder at its very sight and, standing at a respectable distance, will say: "Lo, there is the mansion where the bureaucratic Government used to manufacture lawless laws to grind down the very bones of the aspirant youths of Bengal: that is the

mansion where the bureaucratic Government used to frame laws to snatch away the last morsel of food from the starving and struggling people of Bengal." Sir, no one can support these luxuries—luxuries we have had enough. The Dewani Am and the Dewani Khas are still existing.....

Mr. PRESIDENT: I should ask you to confine yourself to the resolution.

Maulvi SYED ABDUR RAUF: I therefore strongly protest against this demand and I hope the whole House will agree with me in protesting against it.

Maulvi MOHAMED SADEQUE: Sir, I rise to oppose the demand.

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Sir, I think there is a misapprehension. It is not a demand.

Maulvi MOHAMED SADEQUE: Yes, I oppose the resolution. I have given my careful consideration to find out grounds to support it, but I have no reason to do it. If a fine building can take us a step further in building up the Indian nation I would have been prepared to support a demand ten times as big as the present one, nay, I would have moved by way of amendment to erect a palatial building for the Council Chamber all made of silver inlaid with gold, but Sir, no building however finely, beautifully constructed, decorated or magnificently furnished can take us a step forward in advancing the cause of our motherland or my community. What is the utility of building a costly structure without building the structure of the constitution? What is the good of occupying a palatial building for some hours while we have no house to live in at home. It is strange that while the vast population will remain without shelter, without food or clothing, possessed of many fatal diseases, and devoid of education, the Minister of Education will bring forward a resolution for a larger grant for the construction of a Council Chamber—to deceive the next parliamentary commission that here in Bengal we have a National Council Chamber under the unworkable Reform! The outside world may be duped in that way, but we cannot be a party to it, to shift the burden of taxation to the already overburdened tax-payers for our temporary accommodation, for our temporary pleasure. It is no good erecting a huge stone-built Chamber which will not bring good to the public. I am prepared to sit under the trees in the Eden Garden and on the grass if we can devise means to educate the mass, to provide them with better fooding and clothing, to give them shelter from rain and the sun, to protect them from

diseases that are threatening the whole of Bengal and to which thousands of my countrymen who are flesh of my flesh and blood of my blood, who possess greater soul than I, who are as human as I am, if not more, are daily succumbing. Sir, I thought the present ministry will in the first sitting bring forward a resolution to save Bengal from starvation, ruin and destruction, but on the contrary we are asked to vote for a huge demand to give a magnificent show of our wisdom, our position and the unworkable Reform, even though it will not bring any advantage to us, to the country and to the community I have the honour to belong. If the Minister of Public Health would come with a proposal to establish hospitals, to excavate tanks, it would have the unanimous support of us all. What is the good of spending so much if the expenditure cannot bring any corresponding benefit.

Mr. PRESIDENT: The question does not arise.

Maulvi MOHAMED SADEQUE: I am giving my reasons.

Mr. PRESIDENT: You should confine yourself to the resolution.

Maulvi MOHAMED SADEQUE: Some honourable members may say that for the upkeep of our dignity, I mean the dignity of Councillors of Bengal, though we have no dignity at home—we must have a dignified structure to deliberate in. But what is dignity, vain dignity and prestige! Though we are helots in our own land still we possess dignity, though we are powerless to give any counsel which is binding upon Government benches, still we are Councillors of Bengal.

Sir, If not for any other ground at least to show our abhorence at spending money on luxuries like the present one, we should vote down the demand. Until we have spare funds, after making provision for eradicating diseases, for the supply of good drinking water to the thirsty millions, provision for saving Bengal from destruction and ruin, we cannot agree to any demand without which we can very easily manage the unmanageable Reform. A demand for a magnificent building to transact insignificant business is unthinkable at the present moment at least.

Mr. SARAT C. BASU: Mr. President: On this day when the budget is going to be discussed and introduced, the very first item shows a demand for a tremendous figure for the building of the Council Chamber. During the last session, when the Council voted against the Ministry, His Excellency informed us that if we did not get the Ministers and get to the working of the Reform scheme in right earnest, all schemes of nation-building would be stopped, and that the nation would get poorer and poorer. Now, as soon as the Ministry has come in, we

are met with a proposal for a building, and this gives us a foretaste of what His Excellency meant by nation-building. The question is, Mr. President, building of which nation? If we waste the resources of the country in a manner like this, we know this for certain that our nation will not be built, but destroyed; the people would be impoverished; resources will be frittered away and taxation will be extracted by grinding the people and all for the purpose of having the luxury of a luxurious Council Chamber with a facing and pavement of stones. Indeed, I can understand the reason for such a thing. The way in which proceedings are going on in this Council, the way in which funds are being spent from the side of the Government, we can see really that stone walls have become necessary, because the Government wants to make itself invulnerable to the arrows of conscience and of right-thinking. Now, Mr. President, a few questions ought to settle it. Is the Council work going on properly or not at present? Another question is whether or not urgent demands of grave interest are waiting and waiting, and I believe will wait till doomsday, so far as our country is concerned, and for what reason? For want of funds. Any scheme of utility brought forward is immediately met by Government with the plea of want of funds, but Rs. 30 or 35 lakhs, or at present, Rs. 45,000, is nothing because we want the luxury of a Council Chamber with a stone face. I would not have been surprised if our worthy Minister had brought in a resolution to make the facing of brass. That would have sounded better, in order to make it brazenfaced (hear, hear). Mr. President, what we are now getting gives us a foretaste of the budget; instead of honest reason we are getting more and more of brass and stone. There is no juice in it; the juice is being sucked out from the people by taxation. The people are being ground down day by day having to pay taxes, especially income-tax, which the poor man—the working man—has got to earn for the purpose of finding Rs. 10 crores for the Delhi schemes, and now Rs. 35 lakhs for the Bengal Council Chamber. I need not detain you, Mr. President, any longer, but I humbly, and with great respect to our Ministers, submit that the less that is said about this scheme the better. From day to day there is a constant complaint with Government officers that the people are getting disaffected; that prosecutions are going on for the purpose of checking this disaffection and disloyalty. People are being taken without trial to jails all over British India and outside, why, because they.....

Mr. PRESIDENT: You may take your seat. I do not think this question arises at all, Mr. Basu, we are discussing the resolution, and you had better confine your remarks to the resolution.

Mr. SARAT C. BASU: I take your ruling, but if Mr. President will hear me over, you will find the relevancy of my speech. What

I mean to say is this: It is the duty of every citizen to see that this disaffection does not grow, that disloyalty does not grow, but what is the cause of this disloyalty? It is demands like this that bring all disaffection and disloyalty into being: when we have hungry people —people who are dying of malaria and cholera, want of sanitation, want of irrigation for the cultivation of their fields. Those schemes are smothered for want of funds, and in their place is brought forward a scheme for making a palace worth Rs. 35 lakhs. I submit, Mr. President, it is things like this that cause disaffection, and our duty should be—and it is the duty of every one who has got any stake in the country, who has got the good of Government in his heart—to suppress these demands, and not to speak of them any more.

Maulvi ABUL KASEM: Sir, I also join with my friends in opposing this motion (hear, hear). I do it on almost the same grounds as my friends have done. I have heard with respect and attention the speech of the Hon'ble Minister. He remarked that we want a magnificent building—an imposing building at any rate—because there the deliberations of the nation are to be held. I think the value of the Council and of its deliberations will depend on the quality of the deliberations and not on the magnificence of the house in which these are held. On the other hand, Sir, it is said that it will be a nation's building. I submit, Sir, that the nation must exist before it can have a building. I understand, Sir, that many schemes of education and sanitation, which have received Government's administrative sanction, have been held back for want of funds. I am not fully aware of the various schemes which may have received administrative sanction, but I know of at least two such schemes in which I am particularly interested. The first is the case of the combined playground for the Islamia College and the Madrassa which is very badly needed, and which received the administrative sanction of Government. In these days our young men require physical training and physical exercise and there is no provision for them—at least for the Madrassa and the Islamia College boys. That scheme has been held back for want of funds, because the amount required is about a lakh of rupees. They also require intellectual recreation: and there is the case of the Moslem Institute, the scheme for which was sanctioned by Government, but there was no provision in the budget because there was no money; but money is forthcoming for the stone frontage of the Council Chamber; and we are told that we need it for our comfort and convenience, and, what is more, for our show.

I submit, again, Sir, before I take my seat, that I do not agree with my friends who say that we can carry on our business here. This Chamber is absolutely useless, and, so far as I can see, it is unsuitable, because we cannot hear either what the members of the Government

benches say or the speeches of our friends over there. It is not necessary to have a magnificent building, but what we want is a commodious building where we can do our work satisfactorily, and for that reason we do not require a stone-faced building. I have only to say that in Calcutta many buildings—you may call them national buildings, public buildings, or whatever you like—*viz.*, the Government House, the Writers' Buildings, etc., have not a stone frontage. Then why this hobby of the Public Works Department for the Council Chamber. I am, Sir, a layman, but I hesitate to support the Public Works Department, which is popularly known as the public waste department, in a scheme like this, and we are not prepared—at least I am not prepared—to subscribe to this waste.

(At this stage the Council was adjourned for 15 minutes.)

[After the adjournment.]

Mr. BASANTA KUMAR LAHIRI: In rising to oppose the resolution I must say at the outset that I welcome the manner in which the Hon'ble Minister has introduced it. If I follow his observations he has left the decision to this Council because this is a matter of large expenditure and he did not think himself justified in allowing his department to go ahead without taking the Council into his confidence. In all constitutional bodies where an effort is being made to build up conventions and constitutional practices it is of the utmost importance that Government should not show any *zid* with regard to matters which involve large expenditure specially when the Council is in session. We should zealously guard the privileges of this House and we hope that in the course of a short time we shall be able to impose the will of the House on any scheme of big national expenditure. It is for this reason that I say that I appreciate the way in which the Hon'ble Minister has introduced the motion by placing the proposal before the Council at the earliest opportunity and giving the members an opportunity of expressing their opinion on it. For my own part, if it were any other country or if it were circumstanced like a free country with enough of money, I would probably have supported it and the matter would have deserved consideration at the hands of the members of this House. Now, the nation-building departments are starved and we have various schemes pending which could not be taken in hand for want of money; on this ground I think this proposal is one which should justly be opposed by the House. In future, I mean when the Statutory Commission will be visiting India—it may be in a year, as we read in the papers, or it may be two or three years—the electorate may be increased, the number of elected members may be increased, and the scheme may have to be modified accordingly. Therefore, there is also the question whether the consideration of this question should not be delayed for the present. We all know the inconveniences of this Council Chamber, and it has

been already mentioned by at least one member; but still these are the considerations which have induced me to oppose the resolution, while at the same time I appreciate the manner, the purpose and the way in which the Hon'ble Minister has taken this House into his confidence. We are glad that he has disclaimed all Governmental *zid* in the matter.

Babu NAGENDRA NATH SEN: I rise to oppose the motion. In the first place it is a luxury which the poor rate-payers can ill afford to pay. Secondly, I think the powers and privileges of the members of this House are not commensurate enough for such large expenditure. What are our powers and privileges? We cannot ask questions freely; with regard to the asking of questions we must abide by the wishes of the superior authorities; then we have no real power and privileges. I do not think any sum, any large sum, should be spent for this purpose. What is the manner of our representation? Only two per cent. of the people of India have got votes to elect members to this Council. Unless and until the franchise is extended and enlarged I do not think there can be any question of building an imposing structure. The Secretary of the Department in a circular letter has stated that the proposal is intended to provide for a building worthy of Calcutta and the purpose for which it has to serve—the meeting place of the Legislative Council of the Presidency for the next century. Are we to understand that the Legislative Council of this Presidency will be in exactly the same state for the next century to come or for the matter of that what earthly purpose will be served by having an imposing structure while the members have got no real power. There may be an imposing golden cage but that does not add to the freedom of the bird which is caged in it. We have no freedom, no power, no authority; we have not the power to ventilate our grievances. Therefore I respectfully submit that this proposal should be negatived, but at the same time I agree in thanking the Hon'ble Minister for taking the House into his confidence; I appreciate this.

The Hon'ble Mr. J. DONALD: I only want to make one point clear. I am not quite sure if the House understands the proposal now before it. This refers to the scheme for a Council Chamber at a cost of Rs. 25 lakhs, which was accepted by the Council at its last session last year and on which work is now being done by the Architect. The present proposal is the question as to whether the building should be plastered or stone-faced one. The scheme approved provides for a plastered face, but a stone-faced building would be far better. It would involve a larger expenditure as has been explained and we should go to the additional expense and provide for a stone-faced building.

Sir PROVASH CHUNDER MITTER: I desire to say only a few words to explain the position of our party in regard to this resolution.

We have carefully considered the proposal in our party and our decision is that although we appreciate the importance of having a stone-faced building, yet in view of the numerous calls on the purse of the local Government for more urgent schemes of public welfare, we cannot accept the proposal for a stone-faced Council Chamber as it involves an extra expenditure of Rs. 8 lakhs. That is the position which I desired to explain, Sir, before the House, on behalf of our party.

Sir ABD-UR-RAHIM: I rise also to oppose this demand. There can be no doubt whatever that we do require a proper Council Chamber and the House will remember, at any rate, some members of the House will remember, that in the last session of the last Council while dealing with the budget I pointed out that the Government had been rather slow in providing a house for a Council Chamber. But that is a different proposition from the present proposal and Rs. 25 lakhs ought to provide a very fine building indeed. In the neighbouring province of Bihar and Orissa a Council House has been built at a cost of about Rs. 12 lakhs and I have been told on very good authority that that is a very fine Council Chamber quite good enough for their purpose and I am sure that they did not build it so that it might last only for a few years. Here in Calcutta we have no end of buildings, there are big houses, palatial buildings including the Government House but they are not stone-faced. It seems to be an idea imported from Delhi and I can tell the house that when I went to Delhi the other day I found that any amount of money was being wasted in stones and surely we are not going to imitate Delhi in this respect. Bengal, in spite of the jealousies of other provinces, is a very poor province considering its enormous needs. There is always a use for every single penny that can be spared. If that is so, what justification can there be to have this costly ornament—practically it will be an ornament. I say there can be no justification whatever. I cannot but express my regret that the Hon'ble Minister should have lent himself to this demand. I know he is new to this business, he is new to the Secretariat. Perhaps he is labouring under the common fallacy which passes current in the Bar Library that the members of the Civil Service are not up to the members of the Bar in intelligence or arguments but he will find before very many days are over that they are at least as acute as any member of the Bar. I am afraid he has been very badly taken in in this matter. I am sure that the sense of the House will be against it. I hope the Hon'ble Minister will remember that he has got to deal with very astute members of the Civil Service.

Mr. KIRAN SANKAR ROY: I beg to move that the question be now put.

Mr. PRESIDENT: Having regard to the importance of the subject under discussion, I think the debate should proceed.

Rai JADUNATH MAZUMDAR Bahadur: At the outset I may say that I am against this proposal, because, in Bengal, financially situated as we are, we cannot afford to incur the extra expenditure of Rs. 8 lakhs for the Council building. We are in need of money for water-supply. for treatment of Cholera, Malaria and Kala-azar, for educational and other schemes. Therefore I think this Council will with one voice vote against this motion. I submit, however, that a comedy of errors is being enacted in this House owing to its acoustic defect. I heard the Minister distinctly to say that he himeslf was against this measure and, yet, many members who did not catch what he said are attacking him and taking part in this comedy of errors. The Minister did not recommend this measure at all. (A VOICE: Why did he bring this in?) The Minister could sanction it even without consulting the Council, but he thought it better to consult this Council, as he thought that the proposal, though he did not approve of it, might commend itself to the Council at large. Therefore in deference to the Council, the Minister has proceeded constitutionally in bringing up the matter before the House, though he was perfectly competent to sanction it even without consulting the House. Therefore, instead of praising and approving of his conduct he is being unjustly attacked. There is an unnecessary heated discussion owing to misconception and many hard words are being unjustly used against him. As I have said the comedy of errors is being enacted by those who did not hear what he said.

Maulvi SYED MAQBUL HUSAIN: Sir, in rising to oppose this resolution, I beg to state that although I admit that if the new Council Chamber be a stone-faced one it will be very durable and beautiful but at the same time, we must have regard to the numerous calls that are made on the Local Government as well as on the district boards. I am myself the Chairman of a district board and I know that every day we get calls for money from the mufassal for doctors for treatment of Kala-azar, Small-pox, Cholera and also cattle disease, which is very rampant in Chittagong, and our normal expenditure is exceeded by several thousand rupees. So I expect that the Hon'ble Minister in charge of Public Health would divert this money—8 lakhs forty-one thousand rupees to water supply, sanitation, treatment of Kala-azar and cattle disease. With these few words I beg to resume my seat and oppose the motion.

Mr. KIRAN SANKAR ROY: I beg to move that the question be now put.

Mr. JITENDRALAL BANNERJEE: I should like to speak.

Mr. PRESIDENT: Mr. Bannerjee; do I take it that you oppose the motion for closure?

Mr. JITENDRALAL BANNERJEE: I wish to speak; therefore I oppose it.

Mr. PRESIDENT: Will members who support the motion for closure kindly rise in their places?

As there was no two-thirds majority, the debate proceeded.

Babu JITENDRALAL BANNERJEE: I shall finish in two minutes and so my friends who demanded a closure will not have much reason to complain.

I should like to congratulate Sir Abd-ur-Rahim on his reference to the acuteness of the Civil Service. It is knowledge born of much experience, and my only regret is that it has come rather late. Unlike some of my friends on this side I appreciate the Hon'ble Mr. Chakravarti's procedure in placing resolution before the House; but all the same I think that the Hon'ble Minister's position to-day is not a happy or an enviable one. All his life the Hon'ble Minister has enjoyed the reputation of being a zealous and careful guardian of the purse. I shall not say that he has been a zealous and careful guardian of his own purse, for that, though true, might be regarded as personal; but I shall say to his credit that he has been a zealous and careful guardian of other people's purses as well. And it is curious that the first act of his official life should be to ask this Council to commit itself to a piece of gross and extravagant expenditure—an expenditure which cannot certainly be justified by any means. But all the same I should almost like that this proposal might be passed—a mere 8 lakhs or so does not seem to matter very much in a country like this. If you can throw away 20 crores over a New Delhi you might also throw away an extra 8 lakhs for a new Council Chamber: and the house you are going to get in return for this money—this edifice you are going to build—would be a type and symbol of this Government of yours. This structure, stone outside and brick within, would be an apt and fitting symbol of this double-faced Government, so stately and grand outside, so hollow and rotten within: it would be a fit and proper symbol of this Legislative Council which was ushered into existence with such pomp and circumstance and which, every day, under the pressure of rules and your rulings, Mr. President, is going to be shorn of all the power it might be supposed to possess.

Mr. PRESIDENT: Order, order. I shall now put the motion of the Hon'ble Mr. B. Chakravorti.

On the motion being put, the Hon'ble the President declared that the "Noes" have it.

Mr. J. M. SEN GUPTA: I rise to a point of order. Was not a division asked for?

Mr. PRESIDENT: Not before I finally declared that the "Noes" have it. No body asked for a division at the right mom ent.

Rai HARENDRANATH CHAUDHURI: May I rise to a point of order? I understand that it is the practice to have a division whenever it is claimed.

Mr. PRESIDENT: I do not think you are right, I have already declared that "Noes" have it. I think the question cannot arise at this stage and I stick to my decision. It was not my fault if the member who called for a division was not sufficiently clear and it was not my fault if he did not catch my eye. I gave sufficient time to elapse before I finally declared that the "Noes" have it and I found that no division was demanded when I paused.

Adjournment.

The Council was then adjourned till 3 P.M., on Tuesday, the 22nd February, 1927, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 22nd February, 1927, at 3 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers, and 106 nominated and elected members.

Starred Questions

(to which oral answers were given).

Proposed separation of Judicial and Executive Services.

*10. **Mr. JOGESH CHANDRA GUPTA:** (a) Will the Hon'ble Member in charge of the Appointment Department be pleased to state how exactly the question of the separation of the Judicial and Executive Services stands at present?

(b) When is there a likelihood of the question being taken up again by the Government?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (a) A scheme has been submitted to the Government of India.

(b) The question will be taken up again when the orders of the Government of India have been received.

Mr. A. C. BANERJEE: May I ask a supplementary question? May I ask when this matter was referred to the Government of India?

The Hon'ble Mr. A. N. MOBERLY: In 1924.

Mr. A. C. BANERJEE: Has any reply been received?

The Hon'ble Mr. A. N. MOBERLY: Not that I know of.

Salaries and equipments of dafadars and chaukidars.

*11. **Srijut TARAKNATH MUKERJEA:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state what

steps have been taken to contribute towards the salaries and equipments of the dafadars and chaukidars of union boards as provided under section 37 of the Bengal Village Self-Government Act (V of 1919)?

(*b*) How much has been contributed for this in the district of Hooghly in 1925-26?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) The member is referred to the reply given to this identical question at the meeting of the Council held on the 18th February, 1925, by Sir Hugh Stephenson. The policy of Government remains unchanged.

(*b*) Nothing has been contributed by Government.

Origin and incidents of the communal riots at Dacca.

***12. Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government received any official report from the local authorities regarding the origin and incidents of the communal riots at Dacca in September last?

(*b*) If so, when was such report first given by the local authorities?

(*c*) Will the Hon'ble Member be pleased to lay on the table copies of such report?

(*d*) Will the Hon'ble Member be pleased to state whether the Government have received any representation signed by some Hindu citizens of Dacca regarding the origin and incidents of the Dacca communal riots?

(*e*) Will the Hon'ble Member be pleased to state whether the Government report tallies with the version set forth in the representation of the Hindus?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble Member be pleased to state whether any step was taken to find out the correctness or otherwise of the statement of facts in that representation?

(*g*) Will the Hon'ble Member be pleased to state why no *communiqué* was issued by Government in connection with the communal riots in Dacca?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Yes.

(*b*) The first connected report from the Commissioner is dated the 17th September, 1926.

(*c*) I shall be glad to show copies of the reports to any member who desires to see them, but I apprehend that if they are laid on the table and published, they may give rise to controversy and again embitter communal relations which have recently shown signs of improvement in Dacca.

(*d*) Yes.

(*e*) Not in all respects.

(*f*) Enquiries were made on certain points mentioned in the representation.

(*g*) Because order had been restored by the time, information was received in sufficient detail to be of value to the public.

No general *communiqué* was issued with regard to any of last year's riots, but only partial *communiqués* in cases in which disturbances were prolonged. Extracts from reports by the Commissioner of Police, Calcutta, were published in the *Calcutta Gazette* because they gave connected accounts of prolonged disturbances which occurred over a considerable area.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to state in what respects the reports do not tally?

The Hon'ble Mr. A. N. MOBERLY: I shall be pleased to show the member who asked the question a copy of the report as well as the copy of the memorandum received from the Hindu community, and he will be able to make his own comparison.

Unstarred Questions

(answers to which were laid on the table).

Historical Records.

21. Babu JITENDRALAL BANNERJEE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table copies of papers relating to the Historical Records Commission?

(*b*) Will the Hon'ble Member be pleased to state when this body was constituted and for what purpose?

(*c*) What historical records are in possession of the Government of Bengal?

(*d*) What arrangements are made for their preservation and for helping students in utilising the materials contained in such records?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The proceedings of the Historical Records Commission are published by the Government of India and are obtainable from the Government of India Central Book Depôt, 8, Hastings Street, Calcutta.

(*b*) The Historical Records Commission was constituted by a Resolution of the Government of India, Department of Education, No. 77, dated the 21st March, 1919, published in the *Gazette of India* of the 29th March, 1919. The objects in view are set forth in the Resolution.

(*c*) The member is referred to the catalogue of English Records 1758-1858 issued by the Records Department of the Government of Bengal, a copy of which is laid on the Library table. This catalogue relates only to records kept in the record-room in Calcutta. There are also old records in district record-rooms, some of which are being printed.

(*d*) The records in Calcutta are housed in 6 rooms in the Secretariat and a staff is employed for mending them. There are press-lists and calendars of some of the oldest records, and some old records have been printed *in extenso*. Recently, the General letters to and from the Court of Directors 1771-1858 have been indexed. A complete list of publications so far issued is placed on the Library table.

Every assistance is afforded to scholars who undertake research by the staff of the record-room.

Buildings for registration offices and quarters for Sub-Registrars.

22. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to state whether it is a fact that rural Sub-Registrars are suffering from want of house and office accommodation and in many places they cannot have their families with them?

(*b*) Are the Government taking any steps to remove this grievance?

MINISTER in charge of DEPARTMENT of EDUCATION (REGISTRATION) (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi: (*a*) Government are aware of the need for suitable buildings for registration offices and quarters of Sub-Registrars.

(*b*) Each year steps are taken for the erection of suitable buildings.

Rai HARENDRANATH CHAUDHURI: I did not give notice of any such question. It is evidently a misprint.

Mr. PRESIDENT: Which one do you mean?

Rai HARENDRANATH CHAUDHURI: No. 22, which stands in my name.

Mr. PRESIDENT: I am informed that it is a misprint for Rai Satyendra Nath Roy Choudhuri Bahadur.

Hooghly Madrasah.

23. Maulvi ABDUL KARIM: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is in the contemplation of the Government to remove the Hooghly Madrasah from its present site?

(*b*) Is it a fact that Mussalmans have raised objection to the removal of the Madrasah from its present site?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. Byomkes Chakravarti): (*a*) The matter is under consideration, but no decision has been taken by Government.

(*b*) Yes.

Maulvi ABUL KASEM: Will the Government be pleased to state if it is a fact that the building in which the Madrasah is located was originally a Madrasah building and that other secular institutions came in by sufferance?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I am afraid my friend will have to give me notice of this.

Report of the Sanskrit College Committee.

24. Rai JADUNATH MAZUMDAR Bahadur: Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table the report of the Sanskrit College Committee on the improvement of the Sanskrit College, Calcutta, together with the remarks, if any, of the Principal of the College on the subject?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: The report is laid on the Library table.

Rai HARENDRANATH CHAUDHURI: Will the Government be pleased to state what steps they contemplate to take to give effect to the recommendations of the report?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I cannot tell my friend what the intention of the Government is, as that has not yet been decided.

Abolition and amalgamation of certain police-stations of Jessore.

25. Rai JADUNATH MAZUMDAR Bahadur: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether he is aware of the fact—

(*i*) that the abolition of the police-station at Chaugacha, Jessore, has caused serious inconvenience to the public;

(*ii*) that the proposed abolition of the police-station at Nowapara, Jessore, has caused alarm in the public mind; and

(*iii*) that the abolition of the police-station at Kalia, Jessore, has caused inconvenience to the public?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government are proposing taking in the matter?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) Government have received no representation on the subject.

(*ii*) and (*iii*) The amalgamation of Nowapara with Abhaynagar police-station and of Kalia with Naraganti police-station were ordered as a result of the Retrenchment Committee's proposals after consideration of the representations of the inhabitants concerned. Government are aware that a certain amount of inconvenience is caused by these readjustments, but it is not possible to effect economies without some inconvenience.

(*b*) The question does not arise.

Obstruction of footpaths by hawkers in Calcutta.

26. Mr. KIRAN SANKAR ROY: (*a*) Is the Hon'ble Member in charge of the Police Department aware that footpaths of many public roads in Calcutta, *e.g.*, Harrison Road near the Howrah Bridge, Circular Road opposite to Sealdah, are obstructed by hawkers selling and displaying their goods, and thereby cause great inconvenience to the public?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking immediate steps to prevent such obstruction of public thoroughfares?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) The hawkers obtain licenses on payment from the Calcutta Corporation, and they cannot be prevented from using any particular

streets or places. The only action the police can and do take is to prosecute them when they are definitely obstructing the footpath to the inconvenience of the general public. This, however, is not effective as the penalty inflicted is not deterrent. Government have so far been unable to devise any measures beyond continuing the present policy of prosecuting for obstruction.

Mr. A. C. BANERJEE: May I ask the Hon'ble Member whether he is aware that it is the duty of the Police and not of the Calcutta Corporation to remove these obstructions wherever found?

The Hon'ble Mr. A. N. MOBERLY: I have already said that the Police prosecute these people when they are found definitely obstructing the footpath, and causing inconvenience to the general public.

Mr. A. C. BANERJEE: Will the Hon'ble Member tell me how many prosecutions, and in respect of which roads, have been made by the Police, within the last 12 months?

The Hon'ble Mr. A. N. MOBERLY: I would ask for a notice of that.

Alleged congestion of civil appeals at Noakhali.

27. Maulvi ABDUL GOFRAN: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that there is a congestion of civil appeals in the District Judge's Court at Noakhali?

(*b*) What steps do the Government intend to adopt for the early disposal of appeals in the District Judge's Court at Noakhali?

(*c*) Are the Government considering the desirability of posting a permanent second Subordinate Judge at Noakhali?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Government have no present information on the subject.

(*b*) Government will await the recommendations of the District Judge and High Court in the matter.

(*c*) No.

Prostitution in periodical fairs.

28. Rai JADUNATH MAZUMDAR Bahadur: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government is aware that periodical fairs are held in many parts of Bengal?

(*b*) Is it a fact that prostitutes are allowed to carry on their trade in many of those fairs almost openly in temporary shelters erected for the occasion?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking any steps to prevent such practices in the interest of public health and morality?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) I believe it is a fact that prostitution is practised in temporary shelters at many fairs.

(*c*) The reply is in the negative. There are serious practical difficulties in the way of dealing with this evil, and Government believe that the Council recognised this fact by rejecting two private Bills for the suppression of brothels in fairs in 1923 and 1926.

Silting up of the Brahmaputra.

29. Mr. ANANDA MOHAN PODDAR: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it has been found that the river Brahmaputra is gradually silting up from its mouth at Kalagachia towards the interior of the Narayanganj subdivision?

(*b*) Is the Hon'ble Member aware that many parts of the river and especially up to Langalband, the famous place of Hindu pilgrimage, are not at all navigable in the dry season?

(*c*) Are the Government considering the desirability of excavating the river or of taking other effective steps in the near future to improve navigation?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Yes.

(*b*) Yes.

(*c*) There are no such proposals before Government.

Muhammadans on the ministerial staff of the District Judge's Office, Chittagong.

30. Khan Sahib Maulvi ADBUS SATTAR: Will the Hon'ble Member in charge of the Judicial Department be pleased to state what effect is being given to the Government circular for providing 45 per cent. Mussalmans in the ministerial staff of the District Judge's office, Chittagong?

The Hon'ble Mr. A. N. MOBERLY: No such circular has been issued. The appointment of ministerial officers in civil courts rests with the District Judge under section 30 of the Bengal, Agra and Assam Civil Courts Act. The policy of Government in respect of increased employment of Mussalmans has been brought to the notice of the District Judge, Chittagong.

Administration of the Forest Department of the Chittagong district.

31. Khan Sahib Maulvi ABDUS SATTAR: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state whether the Government have received any report from the District Officer of Chittagong regarding any public complaint in the administration of the Forest Department of the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, has hitherto been taken on the report?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) No.

(*b*) Does not arise.

Non-official Business.

Motion for Adjournment.

Dr. BIDHAN CHANDRA ROY: I ask the leave of the House to move a motion for the adjournment of the business of this Council under rule 11 of the Council Manual for the following purpose: That the business of the Council be adjourned....."

Mr. PRESIDENT: Dr. Roy, would you please hand over the statement to me?

(Statement handed over.)

Mr. PRESIDENT: Leave has been asked to move a motion for the adjournment of the House by Dr. Bidhan Chandra Roy, and I have given my consent to it. It runs thus:—

"That the business of the Council do adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the firing on the Bengal Nagpur Railway employees and strikers at Kharagpur on the 11th February."

Does any member object to this motion being moved?

(No member objected.)

Mr. PRESIDENT: I take it that the member has the leave of the Council, and I fix 5 o'clock for the discussion of this motion.

Dr. BIDHAN CHANDRA ROY: Thank you, Sir.

Resolutions

(on matters of general public interest).

Mr. PRESIDENT: I have received a communication from Maulvi Abdul Karim asking me to postpone the consideration of his motion on the ground of his ill-health, so the resolution regarding operation of the Public Gambling Act to certain Unions in Howrah goes to the bottom of the list along with the amendment.

Provision for the salary of one more Muslim Minister.

Maulvi MOHAMED SADEQUE: Sir, before I move my resolution, I rise to a point of order. I submitted some amendments to my resolution, but they have been disallowed.....

Mr. PRESIDENT: Would you move your resolution: you have my leave to move it only.

Maulvi MOHAMED SADEQUE: I beg to move that this Council recommends to the Government to approach His Excellency the Governor for making provision for the salary of one more Muslim Minister in the next annual Budget.

Sir, it is known to the House that Ministers have been placed in charge of the nation-building departments. In the first Council three Ministers were entrusted with these departments, and in the second Council also three Ministers were appointed to carve out some good out of Diarchy. One had to go out of office and then the ministerial tangle commenced: his place was not filled in. The same nation-building departments have now been placed under two Ministers! Are we to understand that the present Ministers are able to manage the departments placed under their charge—at least to their satisfaction, not to speak of the satisfaction of the Councillors and the public. If the answer be in the affirmative, can we not legitimately and reasonably ask the Government what right it had in the first Council to squander public money by retaining the service of a third Minister. And if the answer be in the negative, I can reasonably and justly enquire why only two Ministers have been charged with these departments? Do the Government really desire to

see the transferred departments successfully managed or is it a sham show of entrusting Indians with some portfolios whether or not they can manage them, whether or not these can be worked out to the best advantage of the public. Or is it another way of allowing the Indian Civil Service to manage the transferred departments in the *benami* of the Ministers?

Sir, we the 38 Muslim Councillors have come to the Council with the avowed intention and mandate from our constituencies, to work out the unworkable Reforms, if we are given a chance. But, Sir, as soon as we were sworn in we were put on the two horns of a dilemma. His Excellency the Governor enunciated that owing to communal tension we would have only one Minister out of two, and if we reject the demand for the salaries of two Ministers, His Excellency would take it to mean that we would not like Diarchy to be revived. We voted for the demand then only to show that we were as eager as Government was to work Diarchy. We have kept our faith with Government, and now we are waiting to see if Government in its turn gives us our just dues. The first part of His Excellency's declaration was unfair inasmuch as we were offered a disproportionate share in the Ministry. From His Excellency's declaration, it logically followed that communal tension is, as if, the monopoly of Bengal, and that the Muslims are alone responsible for it. May I ask the Government of Bengal: "Are or were Bihar and Orissa, the Central Provinces, the United Provinces, Madras, and the Punjab, free from communal tension? Were not most brutal, organised, deliberate, outrages committed against the unarmed innocent Moslems? Did the Government of those provinces take up a similar attitude? Is it not a fact that in Madras and in the Central Provinces all the Ministers are non-Muslim in spite of communal tension prevailing in those places?" The only answer available is that Government does not care for the feeling or interest of the Muslims, for the claim of the Muslim can be ignored, overlooked, superseded, to please the non-Muslims, because the Muslims have no terrorist organisations at their credit, Muslims cannot manufacture bombs and commit political dacoities? Government is anxious to please the party or community from whom it apprehends danger and it only placates the Muslim as a means to an end, and as soon as the cause is gone Government carefully manages to escape from the situation, sometimes with the plea of expediency, sometimes with that of efficiency, and sometimes with pleas of experience. Whenever the Muslims are in a position to stand on just grounds, Government does not fail to invent a new and novel plea to get out of it. Justice demands that we should be given two Ministers for we have it from His Excellency's mouth that in the first Council one Muslim and two non-Muslims were taken in proportion to the relative strength of each community. Why does not Government apply the same adopted principle now. No, that is not to be, for the Muslim will then get an advantage, and the other community

may be dissatisfied. Sir, Government promulgates circulars apparently to safeguard the interests of the Muslims, but only to be transgressed! That remains a paper show only.

Sir, I may begin with the Queen's Proclamation and go on counting broken promises and unredeemed pledges: the number is endless. Promises and pledges made to the Muslims are always written on the sand. Sir, can any one in this Council rightly assert that our claim for another Minister is unjust or unfair under the present strength of the co-operating groups of each community? Sir William Hunter writing in 1872 says:—

"From the highest officials to the lowest there was now a firm conviction that we have failed in our duty to the Muhammadan subject of the Queen. A great section of the Indian population, some 30 millions in number, finds itself decaying under British rule. They, who but yesterday were the conquerors and governors of the land, can find no subsistence in it to-day....."

And again,

"It is not that they must now take an equal chance with the Hindus in the race of life, but that at least in Bengal, they have ceased to have a chance at all. .. . ."

Sir, I stand on constitutional practice, and I can confidently assert that Diarchy has been revived more with Muslim votes than with non-Muslim votes and we can legitimately demand that Muslims should be adequately represented in the Ministry.

Sir, though the co-operating Muslim Councillors number 38, yet counsel and protection is sought from the party commanding one-third of our strength. Acceptance or non-acceptance of office does not lie with us, but with the other group which is to select who amongst us will be palatable to them. The order is never reversed.

I do not like to dilate on this subject longer. The Government benches or any other groups may not vote with us in our just and legitimate demand, but with what face or grace one can afterwards count on or seek our support? One may like to be neutral to get out of the situation, but he is to remember that we also have learnt how to replay the game with equal advantage. Did the Government remain neutral at the time of the election of the President? Was it not decided in the Secretariat in the morning which way the wind would blow? Government may not support us now, but I am sure the day is fast coming when our support will be sought. I only ask the Government benches to ponder, to consider, before they decide one way or the other. We want justice, bare justice, even-handed justice, but no mercy and no favour.

Sir, when I began to move this resolution, I was struggling with various thoughts; I was balancing between hopes and fears but by degrees I felt myself more firm. I derived at length some confidence from what in other circumstances usually produce timidity; for judging of what the honourable members are by what they ought to be, I persuaded myself that honourable members would not reject a reasonable proposition because it has nothing but its reasons to recommend it.

Sir, if Government wants to stick to its policy--I mean that in these days of communal tension that loaves and fishes will be equally divided—let the Government extend this very same principle to other branches of its administration, *viz.*, the judiciary, the Calcutta Police, etc., and we shall be satisfied. My idea is nothing more. Plain good intention, which is as easily discovered at the first sight as fraud is surely detected at last, is let me say, of no mean force in the government of mankind. Genuine desire, simplicity of heart, and sincerity of purpose, are undoubtedly a healing and cementing principle. I charge the Government in the name of justice, fairness, and also in the name of British constitution to say if my proposal does not stand on its merit. Do not allow British justice to be depreciated--to be sold at a discount. Sir, by degrees the Muslim world is losing faith in British justice. The fair name of the British Empire is being impaired, the fair name of British justice is being lost, the Government is being discredited, and it is the duty of those who are the custodian of British justice, and are responsible to the British Government and God, to see that the Muslim Councillors--nay, the entire Muslim Bengal--get a fair and just treatment at their hands, so that the Muslims may sing with heart and voice:

"God save the King;
Long live the British Empire."

With these words, Sir, I commend my resolution for your acceptance.

Maulvi SYED MAQBUL HUSAIN: I wish to support this resolution.

Khan Sahib Maulvi ABDUS SATTAR: Sir, while I rise to support this resolution, I would like to put my reasons on a different footing. Last time, when the grant for the salaries of two Ministers came up, many of us had occasion to speak, and we then gave an indication that we were not satisfied with the number of Ministers proposed; we are not satisfied with what His Excellency told us regarding the policy of the appointment of Ministers, namely, one Muslim and the other from the Hindu community. That was our indication then; we should now indicate clearly what we want. The point before us is this. Most of us agree, and I think reasonably agree, that there

should be more Ministers than two, for the simple reason that for all the years the Reforms has been in existence—I mean for the period during which it has been worked—we always had three Ministers, and in fact, if the transferred departments have got to be developed, if proper attention has got to be paid to these departments, and if sufficient care has got to be taken as regards them, there can be no question that two Ministers are quite insufficient.

The next question is whether we should have three or four Ministers. That is the second stage. With regard to this question, I personally have no particular liking as to the number, but one thing has got to be said; whatever we decide about this number, a few other things have got to be looked into. What are our requirements, and what is our financial position? If our requirements are for four, and if the financial position allows it, by all means let us have four. It is not necessary to starve our nation-building departments if we can afford it, but I am afraid I do not know whether, having a large number of Executive Councillors we should have an equally large number of Ministers, and whether our funds would be sufficient for the purpose. I am afraid that would mean a very large expenditure, and I would therefore suggest three Ministers. Then, if we decide to have three Ministers, the next point to consider is whether the third should be a European, a Muslim or a Hindu gentleman. His Excellency gave us to understand that if a third Minister were appointed, he would probably be a European. I could not follow the logic of that; probably His Excellency's idea was to balance the three communities. I may say that the number of the European community is not very large and they do not need to have their interests protected. I should say they should not have a Minister from their community. Then it remains to be seen whether the third should be a Muhammadan or a Hindu. There are one or two points in favour of Maulvi Sadeque's claim for a Muslim Minister. His Excellency told us in his speech that though the precedent was to have two Muhammadans and one Hindu as was the case last time, this time he was not going to follow this precedent because of the state of communal feeling in the province. That is a good idea, I should say, and it was said with the best of motives, but the thing is that circumstances have altered a little—not only a little, but a good deal—now. Recent happenings regarding the selection of Ministers, namely, what took place towards the end of January, has got a great bearing on this question. The abrupt calling of Sir Abd-ur-Rahim by His Excellency to form a Ministry, the abrupt request for his resignation, all these have got a great bearing on the question of the appointment of the third Minister. Muhammadan feelings have been disturbed and a lot of communal tension has been created all over the country. Thousands of boys paraded the streets, people have been persecuting us in our villages

with resolutions and threats, and everyone thinks that His Excellency has not given us an opportunity of having the services of a reliable man like Sir Abd-ur-Rahim. I say, Sir, that Muhammadan feeling has been very much estranged, and it is necessary to allay these feelings. Our Hindu breathren also, I should think, should not mind it, if a third Muslim Minister is appointed.

Another reason why I support this is that considering the number of the Muhammadans—co-operating Muhammadans—in this Council, we are entitled to have two Muhammadan Ministers. We all of us came through the last election pledged to support dyarchy, and we number 38, whilst the number of co-operating Hindus is only 12 or 14. On this ground alone, Sir, we should have two Muhammadan Ministers.

The last reason why we should have two Muhammadan Ministers is that this year there were 4 highly-paid offices in the gift of Government, including the Presidentship. Of these two have gone to the Hindus.

Mr. PRESIDENT: I think you had better confine yourself to the resolution.

Khan Sahib Maulvi ABDUS SATTAR: Sir, I have finished my speech.

Maulvi SYED MAQBUL HUSAIN: His Excellency the Governor said in his speech that he was reluctant to appear to favour any particular community—either the Hindu or the Muhammadan—at the expense of the other in exercising his right of prerogative of appointing Ministers. He further said that after the election of 1923 he appointed two Muhammadan Ministers and one Hindu Minister because that was the combination which was justified by the relative number of the co-operating members of the Council. But unfortunately this Ministry did not last. In the present Council what is the relative number of the Hindu and the Muhammadan supporters of the Council—12 Hindus and 38 Muhammadans. How the present combination of one Hindu and one Muhammadan Minister is justified by the relative number of supporters, I fail to understand. By granting one Minister to the Muhammadan community and one to the Hindu community, His Excellency evidently appears to favour the Hindu community at the expense of the Muhammadan community. From 1921 to 1923 two Hindu Ministers and one Muhammadan Minister administered the nation-building departments. The two Muhammadan Ministers of 1924 had to go out of office within six months and therefore the Muhammadan community of Bengal could not have the opportunity of utilising their services for a term of full three years for the uplift of their community

and also of the country. In order to try two Muhammadan Ministers for a full term of three years the Muslims of Bengal are very earnest and that was the reason why you find to-day 38 Muhammadan members who have pledged to work the Reforms; but as ill luck would have it, the circumstances have been so created by some political blunders that the working of the Reforms has been very critical. When His Excellency announced the appointment of two Ministers only—one Hindu and one Muhammadan—the Muslim members were mostly unwilling to support the Ministers' salaries for these two months but as His Excellency declared that the rejection of this salary would be an indication that the Council does not want to work the Reforms, the Muslim members in a body supported the Ministers' salaries with a view to have the opportunity of urging upon the Government to give them their just rights, that is, services of two Muhammadan Ministers for a full term of three years. If they are disappointed in their demand of legitimate rights it is not unlikely that they would turn round and throw out the Ministers' salaries for the next year.

I would therefore earnestly appeal to the members of this House that they should not demur in giving the Muslim members their just rights and save the constitution from this impending catastrophy.

Maulvi SYED ATIQULLAH: Sir, an identical resolution stands in my name and I rise to support the resolution. The position of the Muhammadan members of this Council is very clear. They have been returned with a mandate to support the diarchy. But the constituencies by diarchy meant the diarchy that existed in the last Council, but was ultimately killed. In this way, Sir, the resolution embodies the desire and the demands of the millions of Mussalmans of Bengal. This demand of the Mussalmans, Sir, is perfectly legitimate and fair. Diarchy was revived on the 17th January more with the help of the Mussalman members than with the help of the Hindu members. Of the co-operating groups of elected members of this Council the Mussalmans form the largest group. Sir, it is a constitutional practice to form the Ministry from the group consisting of the largest number of members willing to form the Ministry. Is it, Sir, then unreasonable for the Muhammadan group to demand that the Ministry be formed out of their group? I say, Sir, it is not. Yet, Sir, I do not desire that the Ministry be formed out of their group only. I am willing to concede to the claims of the other groups willing to co-operate. All that I want is that we should have a preponderating number.

Sir, it may be said that the Muhammadans are divided. It may be so as regards the *personnel*. But so far as the main issue is concerned to wit, the working of the Reforms, we are one and united, as the voting on the 17th January has shown and the voting to-day will

show. So if the right persons are selected we will become automatically united and all difference and division that exists as regards the *personnel* will vanish away immediately, and we will all work the Reforms hand in hand.

Sir, the reason for not giving the Muhammadans a preponderating number is stated to be the communal tension existing in Bengal. Sir, is the communal tension existing in Bengal only? Is it not the communal wave surging all over India? Has there been no communal riot in Central Provinces? But what is the situation there? The Ministry there is a purely communal Ministry. Then Sir, in Madras also there is no Muhammadan Minister. So, Sir, in the circumstances the reason is merely an excuse to deprive the Muhammadans of their just rights and claims.

His Excellency has stated his policy and is reluctant to appear to favour either community at the expense of the other in exercising the prerogative of appointing Ministers. But, Sir, is the policy and the principle involved in such reluctance being applied in matters other than appointment of Ministers? No. Has this policy been applied in the case of nomination of the members of this Council and the election of the President? Is the policy being applied in other Government appointments and all other matters that are in the gift of the Government? No. Then, why, Sir, this policy should be applied in the case of Ministers only? So, Sir, I say the reason is no reason at all, it is only a subterfuge to evade the claims of the unoffending Muhammadans. Another reason why I support this resolution is that the increase in the number of Ministers is a necessity for the better and efficient working of the transferred subjects. It is necessary that the Ministers are not overburdened with portfolios so that they can devote more time, attention and energy to the development of the departments in their charge.

In the circumstances I hope that this Council will not grudge this just claim of the Muhammadans but will pass it and by doing so usher an era of good will and spirit once more.

Maulvi KHORSHED ALAM CHOUDHURY: The motion before the House may be considered controversial in certain quarters and is perhaps looked upon with hostility by some members of this Council. But if it is properly analysed all grounds of opposition are bound to vanish. I should, however, be doing more harm than good by supporting the resolution if I do not state in the very beginning that it should be viewed in an impersonal manner. I am fully aware of the feelings that have been roused in the country by the manner in which the present Ministry has been formed. But I submit, Sir, that opposing this resolution would not be the most suitable method of expressing

one's disapproval of a given Ministry. His Excellency in his opening speech in this Council has indicated the lines on which such disapproval can be expressed and how the selection of the most approved persons can be secured. I would, therefore, implore the House, and the Muslim members of it in particular, to examine the question on its own merits.

The resolution resolves itself into two parts, *viz.*, whether there should be three Ministers in Bengal instead of two, and whether it is not just and proper that the third Minister should be selected from the Muslim group. As regards the first question, I would ask the House to reconsider that there were three Ministers in the first reformed Council. For the first year or two the Ministers did mostly routine work, and it was only during the closing years of their term that they were able to initiate schemes in the nation-building departments. Most of those schemes were left by them in an embryonic stage, and even those that were developed could nat be pushed through for want of funds. Now that those schemes have been developed and the financial situation has been easier, the work in those departments has increased by 50 per cent. Look at the amount of work awaiting the Education Minister who is required to give Bengal a system of universal primary education and to bring about reforms in the premier University of India.

Think of the time and labour the Local Self-Government Minister will have to devote to his work if he is to devise ways and means of freeing Bengal of Malaria and Kala-azar and to provide its inhabitants with a system of water-supply that will protect them against cholera and other fell diseases. And then imagine the efforts that are required of the Minister for Agriculture if he is to rid the country of the water-hyacinth pest and if he is to help the raiyat to free himself from the clutches of the mahajan and enable him to increase the yield of his soil by better tillage and more extensive irrigation and ultimately to realise better value from his crops. A comparison between the volumes of work in the Reserved and Transferred sides of the Government would also, I am sure, justify the view that if four Members are required in the Reserved departments there should be at least three Ministers for the proper administration of the Transferred ones.

Turning now to the second part of the resolution, I am at once confronted with the views expressed by His Excellency in his opening speech. With all deference to those views, I would submit, Sir, that, however justified they might have been at the time, they admit of revision in the light of what has transpired since then. If the stability and the success of the Ministry depends on its having a majority of the Councillors behind it, it is the part of wisdom to select

Ministers in such a way as to ensure the support of the majority. The voting on the demand for Ministers' salaries has disclosed the fact that while the Hindu-co-operators number only 16 the Mussalman co-operators number as many as 38. It follows, therefore, that, for the sake of fairness as well as for the purpose of ensuring support for the Ministry, there should be two Muslim Ministers and one Hindu Minister in the present Council. The circumstances in this case are so very peculiar that the question of partiality does not arise. No Muslim accused Lord Ronaldshay of partiality when he appointed two Hindu Ministers and one Muslim Minister. There is then no reason why any of my Hindu brethren should impute motives to his Excellency Lord Lytton if he now appoints two Muslims and one Hindu. His Excellency has referred to the tension of communal feelings in recent times. But have not all apprehensions on that score been dissipated by the spectacle of the leader of the music before mosque agitation and the leader of the Raj. Rajeswari procession collaborating fraternally in the business of Government. I repeat, Sir, it is the part of the statesmanship to decide each question on its own merits and to adjust things according to the requirements of a given situation. With these words I lend my humble support to the resolution.

Kazi EMDADUL HOQUE: I rise to oppose the resolution not because I do not like to have two Muhammadan Ministers but because I do not like to have any Minister at all, whether Hindu, Muhammadan or Christian. Ministry has got no charm or fascination for the Swaraj party. The party to which I hold fast has declared that we should oppose the Ministry by all means. Now, Sir, it seems from the speeches and letters of several of my Muhammadan friends as if they have come here to work the Reforms and to advance the cause of the Muhammadan community and that I have come here as a renegade to go against the Muhammadan interest. To them I say Sir, that I am a born Muhammadan and as such I cannot go against the Muhammadan interest. Whenever a question of Muhammadan interest will come I will always uphold their cause. But here lies the difficulty—what I shall call the Muhammadan interest they will call it not and what they will call Muhammadan interest I may call it not. Now, Sir, religious differences there are and religious differences there must be in all ages and in all climes, but that is no reason why we, Hindus and Muhammadans, should not both work shoulder to shoulder particularly when we have to confront a bureaucratic Government. My friends say that they have got some work to do for the advancement of the cause of the Muhammadan interest. I ask them, Sir, whether they have got any cut and dried policy of their own. One party I at least know professed that they would go against the

formation of Ministry but when the question of Ministers' salary came before us they sided with the Government. So I say, Sir, that they have got no policy of their own whereas the Swaraj party has got a policy of its own and so long as this party will exist it will always have a policy of its own and that is why I have joined this party. The other parties have no principle of their own, and they should not stultify themselves by abusing others.

Maulvi ABUL KASEM: I feel that I cannot record a silent vote on this motion. I regret, however, that in discussing the motion before the House some matters have been introduced which, I am afraid, are not appropriate and which have raised unfortunately certain communal questions. I wish that my friend in sending his motion had not confined himself to the appointment of a Muhammadan Minister, but asked for another Minister without specifying whether that particular gentleman should be a Hindu, Muhammadan or European. Sir, I feel that too much has been made of the fact that the number of co-operating Hindus or co-operating Muhammadans is this or that. I do not forget that a large—I may say the most organised and the most influential—section of the Hindu members are to-day following a policy of which I do not approve, but which has to be reckoned with. Therefore, the question of numbers so far as the House is concerned or so far as the co-operating Hindus or co-operating Muhammadans are concerned does not arise at all in the appointment of Ministers. Too much has been made of this, and I regret to find that on that very account a small minority has been placed in the position of dictator in a House of 140. However, if I give my support to this motion I wish it to be distinctly understood that I do not pledge myself either to the question of Ministers remaining or our Government being carried on without Ministers. If I give my support to the motion it is on the clear understanding that if the Ministers have to be in office, we ought to have more than two. I know that this Government of Bengal, or for the matter of that the Government of India and all provincial Governments are absolutely top-heavy. But at the same time, considering the Government of Bengal and its cabinet, I find that there are 4 Members of the Executive Council, and if my information is correct, I think there was some difficulty in the Secretariat after the appointment of Ministers not in finding work for the Ministers, but in finding work for the Members who worked the Reserved departments to keep them engaged. The Ministers are entrusted with a large number of departments and very important departments—I will not use the hackneyed phrase nation-building departments—some of them being of very recent origin requiring a good deal of careful handling and nursing before they can be successful. Therefore, Sir, I think that if we have to run the diarchy, we must run it on a satisfactory and practical basis. We must give

sufficient scope to the Ministers to enable them to lay down a definite policy and to carry it out. Sir, we have been told times without number that if we want self-government we must come forward to co-operate. So far as I am concerned, and so far as a large section of the community to which I belong are concerned, we have always come forward to co-operate with Government—and I think the people of this country are quite prepared to co-operate with Government—but the question is whether the Government is prepared to co-operate with us or not. Co-operation does not mean absolute submission—co-operation means a mutual understanding between two parties and to come to an arrangement by which the work of the administration can be carried on with satisfaction to both. Sir, that co-operation, I regret to find, is found lacking on the part of Government. Sir, it has been said—why ask for two Muslim Ministers—I will say—not because the number of co-operating Muhammadans are larger in this House than the number of co-operating Hindus, but I think, and I hope and trust my Hindu friends will agree with me, that situated as we are the Muhammadans want a little more share in the administration of the province than they have at present. I do not want this as a favour, but I say that we have not that share which we can claim as a fair and just share for ourselves. And I think that our claim is based not on our representation in this House, but on the fact that we form the bulk of the population in this Province. If our number is very small or comparatively small in this House, it is our misfortune, it is not our fault. And, again, Sir, I have to submit for the consideration of this House that we do not only form the bulk of the population, but if I may say so, I may claim that we form the bulk of the producers of wealth in this province: the prosperity of this Province depends on the prosperity of the cultivators and the prosperity of the artisans, and I say that comparatively speaking the number of producers of wealth are largely Muhammadans. I hold that if diarchy is to be given a fair trial, it ought to be given a fair trial both by the members of this House as well as by the members of Government. It will not simply do to say that diarchy could not be run because the representatives of the people—the elected members—refused to work it. You make it possible to work it and they will be prepared to work it, otherwise not. Although I give my support to the resolution as it stands, because I cannot go against it, at the same time I wish it to be distinctly understood that I do not pledge myself to support the existence of the Ministry unless the Ministry satisfies the demand of the people. There are other matters which have to be considered before we finally decide whether we should have Ministers or not.

Maulvi SHAMSUR-RAHAMAN: I rise to support the motion. The Mussalman community of Bengal after the election was over were confident that they will get two Ministers. To me it seems their

hopes were not without reasons. After the election they found that their community had returned 38 candidates with the clear verdict to co-operate with the Government to work the Reforms. It is not the 38 that counts but they are backed up by a population of over 56 per cent. As against that the Hindu community had returned only about a dozen or so who were ready to work the Reforms. Thus on the numerical ground alone they had a very strong claim for two Mussalman Ministers. The other ground was that on the first term of the Reform Council the Hindu community had two Ministers and Mussalmans one. During the next term of the Council no stable Ministry could be formed. At the present term there has been a great possibility of a stable Ministry. But their hopes received a rude shock when the Government enunciated the policy of having only two Ministers. The Mussalmans found the Government to be placating the other community at their cost. They found that the Government policy was when there is no communal disturbance the Hindus will have two Ministers and the Mussalmans one. If there be communal disturbance the Mussalmans will have one: so it seems that the Government policy with reference to Mussalman interest is that the heads you loose and tails I win. The policy pursued seems to me to be putting one community against the other. I can assure the Government that this unwise method of pitting of one community against the other will not do. It will certainly overreach itself. As to the necessity of three Ministers Sir Abd-ur-Rahim did make out a good case and I do not think I need dilate at length. When Bombay, Madras, Punjab have got three Ministers why Bengal should have only two?

Khan Bahadur Maulvi EKRAMUL HUQ: I know it is the prerogative of His Excellency the Governor to choose a Minister from among the members of the Council and undoubtedly it looks very odd to give dictation to His Excellency, but it so happens that the Muhammadan community finding that the best of them could not be in the cabinet were so much perturbed that my friends thought of moving for the appointment of another Muhammadan as a Minister to safeguard the interests of the Muhammadan community. Whatever it might be, I hope that the Government benches would not take a grave stand upon prerogative and deny to consider the question; they would consider the fact whether the present demand of the Muhammadan community could be supported or not. Personally, and rather unfortunately, my amendment to the effect that provision should be made for four Ministers was not accepted as I was told that I was too late. I wish to make it clear to the House that the Muhammadan community is not communal in its outlook; they would like to see justice done to every community represented in this House; they would like to see not only justice done to ourselves, but to the Hindu community, also to the European community and other communities who are here.

But as my amendment is not before the House I have not the opportunity of moving it, and if it were before the House I am sure it would have solved the problem that is now before us. But all the same, as matters stand now, the Hindu community or the Christian community will not be precluded from bringing forward the question of four Ministers if they so desire and if the House thought that in order to develop the nation-building departments it was necessary to have four Ministers the House would certainly like to vote for the resolution. I shall make an appeal to the Government benches, to my friends in the European *bloc* and also to the liberal-minded Hindu gentlemen who are here not to scrutinise this matter very rigorously but to see their way to support it and to solve the problem, the problem of problems that is now before the House.

Maulvi ABUL KASEM: I move that the question be now put.

Mr. PRESIDENT: I cannot give my consent to close the debate at this stage. The Hon'ble Mr. Moberly.

Dr. BIDHAN CHANDRA ROY: I gave you a slip and I was told that you would call upon me to speak.

Mr. PRESIDENT: But I have already called upon Mr. Moberly to speak.

Dr. BIDHAN CHANDRA ROY: May I make a statement after him?

Mr. PRESIDENT: Yes, you can speak, if you like, but, in that case the Hon'ble Mr. Moberly will have a right of reply.

The Hon'ble Mr. A. N. MOBERLY: This resolution is circumscribed. It asks that the Council may recommend to the Government to approach His Excellency the Governor for making provision for the salary of one more Muslim Minister in the next annual Budget. In view of the form of the resolution I am not prepared to discuss the question as to whether two or three Ministers are necessary to administer the Transferred subjects in Bengal. I am afraid I must oppose this motion on two grounds. The first is that as the wording stands it would be practically impossible to give effect to the resolution even if it were passed. The Finance Department would not agree to the inclusion of a heading "Muslim Minister" in the Budget. The provision must be for "a Minister"—an impersonal entry not qualified by religion, race or creed. The Budget provides only for posts and not for *personnel*. It is not, therefore, possible to comply with the intention expressed in the resolution and on that ground alone I cannot accept it.

As regards my second ground I would take my stand on His Excellency's speech. As you will remember, Sir, His Excellency said "the appointment of three Ministers would necessitate an unequal distribution of the offices between the Hindu and the Muhammadan communities and in view of the regrettable riots which have recently taken place between these two communities and which for the time being have so embittered the relations between them, such a course appears to be undesirable". Since His Excellency made that speech last month I regret to say that the communal tension in Bengal has not shown any sign of improvement. In fact I must say that events have occurred which have shown that the improved conditions which we hoped would set in have not materialised. The situation is at least as bad as when His Excellency delivered his speech and every word that he said in it stands good to-day.

Dr. BIDHAN CHANDRA ROY: I thank you for giving me this permission to make a very short statement.

Mr. PRESIDENT: I allow you to speak on the distinct understanding that the Hon'ble Member will have a right of reply.

Mr. H. S. SUHRAWARDY: Will you allow me to speak, Sir, after Dr. Roy has finished?

Mr. PRESIDENT: I do not think I could do that for the simple reason that I have already indicated my intention to close the debate. I have allowed Dr. Roy to speak because I had promised to give him an opportunity. It is only under special circumstances that I am allowing him to speak.

Dr. BIDHAN CHANDRA ROY: The view which the Congress party takes with reference to this resolution regarding Ministers is well-known. We as a party are opposed to the formation of any Ministry under the present circumstances. It is not necessary for me to re-iterate the reasons as these have been fully and fairly repeatedly dealt with both within the Council Chamber and outside it. We are, therefore, not prepared to vote in favour of this resolution regarding the addition to the number of Ministers. Opposed as we are to the formation of a Ministry we are naturally opposed to the increase in number, specially as this particular proposition raises the question of a Muslim Minister being added, which, we, as Congress members, do not consider it proper to raise on this occasion, because we feel that as Congress members do not wish to enter into communal matters at this stage. Therefore I myself and members of my party shall vote against this resolution.

Mr. PRESIDENT: The Hon'ble Mr. Moberly may exercise his right of reply, if he chooses to do so.

The Hon'ble Mr. A. N. MOBERLY: I have nothing more to add, Sir.

Maulvi ABUL KASEM: Do I understand that a Government Member has the right to answer all criticisms after the closure of the debate? How are the non-official members to know unless a Government Member comes out with all the facts in his possession at an earlier stage of the debate?

Mr. PRESIDENT: A Member of Government may, if he chooses, make a statement in the course of a debate and at the same time take advantage of his right of reply.

Maulvi MOHAMED SADEQUE: May I speak, Sir?

Mr. PRESIDENT: You are the mover of this resolution, are you not? In that case you certainly have a right of reply.

Maulvi MOHAMED SADEQUE: The Hon'ble Mr. Moberly has now discovered that it is impossible to support the resolution because it is only of a personal character and he finds fault with the wording but I say, Sir, that whenever Government want to avoid a thing there is no dearth of excuse, no dearth of plea. If there was any honest intention on their part to banish the defaulting words they could have moved an amendment to the effect that the word "Muslim" be scratched or deleted from the resolution and they could have assured us that a second Muhammadan would have been appointed as a Minister, but as I have pointed out already, sincerity and genuineness are wanting in the present system of administration and whenever the question of Muhammadan appointments and their just claims is raised, all sorts of plea and all sorts of excuse are brought forward as if we are so many children not to understand their insinuations. What is the meaning of the argument that communal tension has not abated in the least? Has communal tension abated in other provinces? Has the situation become a bit favourable for the Muhammadans in the Central Provinces or in the United Provinces where there is no such riot? Are the Muhammadans there being appointed to high posts? Have the Government there conceded a bit to them? I am sure, Sir, the answer is in the negative. The Swaraj party is the most organised party in the House and it has declared its opposition to the resolution. My friend Maulvi Kazi Emdadul Hoque says that he is a true Mussalman, so if there had been anything beneficial

in the resolution he would have been the first to support it. But, Sir, may I ask him what is the use of coming to the Council only to obstruct and thus do a great disservice to the country?

Mr. Abul Kasem has pointed out that he is against the word "Muslim". May I also point out to him in return that in the first year of the reformed Council the co-operating Hindus had two Hindu Ministers and on that analogy we are entitled to have two Muhammadan Ministers? The Swaraj party is not a supporter of diarchy, rather it is a destroyer of diarchy. Therefore those who lend their consistent support to Government measures and to this unworkable diarchy should have greater facilities in the administration of the country so that they can say to their constituents that they have at least succeeded in securing 2 × Rs. 64,000 for them if not anything more.

The motion of Maulvi Mohamed Sadeque was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Md.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Atiqullah, Maulvi Syed Md.
Biswas, Maulvi Abdul Latif.
Chaudhuri, Mr. M. Ashraf Ali Khan.
Chaudhury, Maulvi Khorshed Alam.
Farequi, Khan Bahadur K. G. M.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abdur-.
Rauf, Maulvi Syed Abdur.
Ray Chaudhuri, Mr. K. C.
Sadeque, Maulvi Mohamed.
Sattar, Khan Sahib Maulvi Abdus.
Shah, Mr. Gholam Hossain.
Suhrawardy, Mr. H. S.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Addams-Williams, Mr. C.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Fromotha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, the Hon'ble Mr. Syamhee.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
De, Mr. K. C.
Dey, Mr. G. G.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gilchrist, Mr. R. N.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Khan, Babu Debendra Lal.
Lahiri, Mr. Basanta Kumar.
Leicester, Lieutenant-Colonel J. C. H.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Maiti, Babu Mahendra Nath.

Marr, Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Moberly, the Hon'ble Mr. A. H.
Moitra, Srijut Jogendra Nath.
Mukerjee, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Oaten, Mr. E. F.
Poddar, Mr. Ananda Mohan.
Prentice, Mr. W. D. R.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Maharaja Jogindra Nath.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N. Bar.-at-Law.
Ray, Mr. Kiran Sankar.
Ray, Mr. S. N.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sashee, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prosad.
Sarker, Babu Naliniranjan.
Sarker, Rai Sahib Rebati Mohan.
Sen, Babu Nagendra Nath.
Sen, Mr. Satish Chandra.
Sinha, Babu Charu Chandra.
Sinha, Raja Bahadur Bhupendra Narayan.
Stuart-Williams, Mr. S. C.
Woodhead, Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 29 and the Noes 72, the motion was lost.

(At this stage the Council was adjourned for 15 minutes.)

[After the adjournment.]

The following motion* was, in the absence of the member, deemed to be withdrawn:—

Babu SURENDRA NATH BISWAS: "This Council recommends to the Government that henceforth khas mahal lands should be settled

(*a*) by public advertisement,

(*b*) by giving preference to unemployed young men of Bengal in taking settlement of khas mahal lands in their respective districts, and

(*c*) by so regulating that the quantity of land that each person would be entitled to get at the settlement shall be 20 bighas in the minimum and 50 in the maximum."

The following amendments to resolutions failed:—

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that in the above motion—

(*i*) clause (*b*) be deleted; and

(*ii*) in clause (*c*) the words "20 bihas in the minimum and" be deleted and after the figures "50" the word "bighas" be added.

Babu ROMES CHANDRA BACCHI to move, by way of amendment, that the following clause be added to the said motion *viz*:

"(*d*) by so directing that such persons shall not be required to pay any salami for taking settlement of such lands."

The following motion was, in the absence of the member, deemed to be withdrawn:—

Babu JATINDRA NATH CHAKRABURTY: "This Council recommends to the Government that a committee, consisting of three officials and six non-officials, be formed to inquire into the causes of Hindu-Muhammadan riots at Calcutta, Dacca, Pabna and other districts that occurred in 1926."

The following amendment to resolution failed:—

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that in the above motion, line 3, after the words "six non-officials" the following be inserted, *viz.*:—

"three Hindus and three Muhammadans to be elected by the elected members of this Council belonging to the two respective communities."

Release of political prisoners.

Srijut BIJAY KUMAR CHATTERJEE: I move that this Council recommends to the Government—

(*a*) to take immediately the necessary steps to release all persons belonging to Bengal who have been placed under personal restraint under Bengal Regulation III of 1818; and,

(*b*) to release all persons detained under the Bengal Criminal Law Amendment Act, 1925.

It is not for the purpose of creating any unnecessary heat, it is not for the sake of rousing any more ill-feeling towards the Government; it is not with the object of fomenting further agitation against the bureaucracy, that I am bringing up this resolution before this House. It is neither a controversial matter such as whether the diarchy should be worked or not, nor a communal matter such as whether music should be played before the mosque, or whether prime cows should be slaughtered in public places. It is not a party question having the sympathy and backing of only one section of political parties in India. It is not a matter of local interest having the support of a single province. Sir, united India has demanded with one voice the release of political prisoners detained either under Regulation III or under the Criminal Law Amendment Act. The people of India, whether Hindus, Mussalmans, Christians, Parsees, or belonging to any other religion, whether inhabitants of Bengal, or the Punjab, Madras or Bombay, or of any other province, have demanded with one voice and in no uncertain terms the unconditional release of these Indian patriots who have been detained in prison without an open trial.

It is for the purpose of vindicating the elementary rights of citizenship, it is for the purpose of allowing a person to enjoy the light which the sun imparts, to breathe pure air which nature has abundantly given, to take the food which suits one's system or taste, to move about anywhere, to read any book he likes for his culture and education, to get any sort of medical treatment he requires, to perform the religious rites which his religion enjoins, it is for the purpose of allowing him to discharge the duties of a son, a husband, a brother, or a father that I am bringing this resolution before the House. Sir, it is the agony of old, afflicted parents, the groaning of starving families, the sobbings of a helpless wife, the wails of forsaken children, the sight of the insulted manhood and youth of India which have actuated me to bring this resolution before this House. Sir, none of these flowers of society that are withering away within prison bars, or in the midst of the lonely forests and jungles, or in marshy and unhealthy climates, without proper food, shed, or medical aid has instigated myself to bring in this motion before this House. But Sir, it is because I owe a duty towards my beloved motherland, it is because I owe a duty towards these patriots who have suffered for their sacrifices, and for their attempt for the salvation and emancipation of our common motherland, it is because I owe a duty towards my society, my community, my constituency, it is because I owe a duty towards the Crown that I am bringing up this resolution before this House.

Sir, it has been said that these détenus are connected with anarchical crimes or are suspected of complicity in them, and our reply is that if so, place them on an open trial, hang them on proper and open evidence, or punish them to any extent according to the law of the land. But the Government, in the name of law and order, cannot prostitute law, justice and equity, and detain persons for an indefinite period without any open trial. Sir, we are ready to concede to any Government the right to maintain law and order, to preserve peace of the country, to put down revolution and to check anarchical crimes. No body denies this right and the Government is perfectly entitled to do so. But we take strong exception to the indiscriminate arrest, imprisonment, or internment of innocent persons for an indefinite period without any open trial, on the mere report of a police spy or informer. And everybody knows and it is an open secret that unless these informers or spies could manufacture evidence their very existence would be at stake. So in order to maintain their position, in order to draw high salaries, allowances and rewards, these spies or informers concoct evidence against innocent persons. Sir, I do not want to make my speech unnecessarily long by citing instances. It is now become a record of history. Sir, neither the public nor even these détenus ever come to know what the charges are against them, what

offence they have committed and they are not given any chance to vindicate their innocence, to prove the falsewood of these police spies. Sir, a futile attempt is made by the Government to justify its conduct by saying that in case the accused is tried in an open court the witnesses would be killed by these revolutionaries. Sir, it is a matter of common knowledge that the Government placed on trial several persons accused of political crimes such as murder, dacoity, etc. And in none of these cases the witnesses have been killed or there has been any attempt to injure them. Sir, in these political crimes and murders the Indians are the worst sufferers. And no Indian wants that there would be murder of innocent persons or looting, arson or dacoity. How can the Government account for the fact that Indians of all shades of opinions belonging to all groups of political parties and belonging to all provinces, agree with the view that no body should be imprisoned without an open trial? Can the Government say that the officials are in a better position to understand the well-being of our country and our people than the Indians themselves? Sir, there is a Bengali proverb which says—that one who attempts to shew more love than a mother, is a demon.

Sir, every school boy knows that so far back as 1679, the Englishmen got a privilege known as the Habeas Corpus Act. To the freedom of the press, the Habeas Corpus Act, added a new security for the personal freedom of every Englishman. Against arbitrary imprisonment provision had been made in the earliest ages by a famous clause in the Great Charter. No free man could be held in prison save on charge or conviction of crime or for debt, and every prisoner on a criminal charge could demand as a right from the court of King's Bench the issue of a writ of "Habeas Corpus" which bound his gaoler to produce both the prisoner and the warrant on which he was imprisoned that the court might judge whether he was imprisoned according to law. In cases, however, of imprisonment on a warrant of the Royal Council it had been sometimes held by the judges that the writ could not be issued and under Clarendon's administration instances had in this way occurred of imprisonment without any legal remedy. But his fall was quickly followed by the introduction of a Bill to secure this right of the subject, and after a long struggle the Act which is known as the Habeas Corpus Act passed finally in 1679. By this great statute the old practice of the law was freed from all difficulties and exceptions. Every prisoner committed for any crime save treason or felony, was declared entitled to his writ even in the vacations of the court, and heavy penalties were enforced on judges or gaolers who refused him this right. Every person committed for felony or treason was entitled to be released on bail. It was forbidden under heaviest penalties to send any prisoner unto any places or fortresses beyond the seas.

Sir, that was in 1679, and we stand to-day in 1927, and we now find that the successors of those very people who bravely fought to put an end to the tyranny of the Stuarts have become so degenerate, have become so selfish that they are perpetrating more cruel tyranny to-day on the poor Indians, than the Stuarts did on their ancestors. And is it unreasonable to expect, if it pleased Almighty God to put an end to the tyranny of the Stuarts, that the present tyranny of the English people in India would also be put an end to and at no distant date?

Sir, the Government will not be able to cow down these patriots. The Government can put restraint on their physical body, but it can never conquer their souls. Sir, God forbid, if they die within prison bars, they will take their birth again and work for the emancipation of our motherland.

In this connection I may be permitted to quote those famous lines of the world poet, Dr. Rabindranath Tagore, in which he says: "No king can ever punish that Angel of God who comes here with the light of heaven. The prison chains worship his feet and bow down low in reverence, the prison welcomes him. The evil genius after spreading his hands towards the sun disappears like a shadow. Punishment! punishment is for him who for fear of punishment cannot come out of the unreal wall created by himself in his own mind punishment is for that impotent person, who in fearless independence never declared a wrong to be a wrong after looking towards the virtuous path; punishment is for that shameless person who through fear, and avarice denies one's own legitimate and God-gifted right in public, who boasts of ones wretchedness, who trades in country's adversities, whose food is as unholy as one's own mother's blood that coward, always bends his head in fear of punishment, and he in order to avoid the King's prison, always remains in perpetual confinement":-

"দেবতার দীপ হস্তে, যে আসিল ভবে
সেই রুদ্রদূতে বলো, কোন রাজা কবে
পারে শাস্তি দিতে! বন্ধন শৃঙ্খল তার
চরণ বন্দনা করি, করে নমস্কার—
কারাগার করে' অভ্যর্থনা। কুষ্ট রাহু
বিধাতার সূর্যপানে বাড়াইয়া বাহু
আপনি বিনষ্ট হয় মুহূর্তের পরে
ছায়ার মতন। শাস্তি! শাস্তি তারি তরে
যে পারে না শাস্তি ভয়ে হইতে বাহির
লঙ্ঘিয়া নিজের গড়া মিথ্যার প্রাচীর,
কপট বেষ্টন:—যে নপুংস কোন দিন
চাহিয়া ধর্মের পানে নির্ভীক স্বাধীন
অন্যায়েরে বলেনি অন্যায়; আপনার
মনুষ্যত্ব বিধিদত্ত নিত্য অধিকার—

যে নির্লজ্জ ভয়ে লোভে করে অস্বীকার
সভামাঝে, দুর্গতির করে অহঙ্কার,
দেশের দুর্দ্দশা লয়ে যার ব্যবসায়,
অন্ন যার অকল্যাণ, মাতৃরক্ত প্রায়,
সেই ভীরু নতশির চির শান্তিভারে
রাজকারা বাহিরেতে নিত্য কারাগারে।"

(রবিন্দ্রনাথ)
৭ই ভাদ্র ১৩১৪ সাল।

Sir, I have said before that it is because I owe a duty towards civilisation, and to humanity that I bring in this motion before this House. Sir, our rulers are not satisfied by simply putting them within prison bars. All sorts of tortures are being meted out to them. During illness they are denied proper treatment, no relative is allowed to see them, or to make any arrangements for treatment by taking competent doctors from outside. The families of the poor détenus die of starvation. The détenus are not allowed to see their dying parents, wives or children. Even ordinary food or shelter is denied to them. I shall not make my speech unnecessarily long by quoting instances..... .....

Mr. PRESIDENT: Order, order. I fixed 5 o'clock for Dr. Bidhan Chandra Roy to move his motion for the adjournment of the House and the time fixed has reached. We have therefore no other alternative but to take this resolution to-morrow.

Motion for adjournment.

Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the business of this Council do adjourn for the purpose of discussing a definite matter of urgent public importance, *viz.*, the firing on the Bengal Nagpur Railway employees and strikers at Kharagpur on the 11th of February.

Before I pass on to the subject-matter of this resolution, I may mention that it has been questioned in various quarters as to whether it was necessary for us to move a motion for adjournment on this question. That it is a question of urgent importance I do not believe any member of this House has any doubt about, that it is a definite question I do not believe any one will object to. The question is whether this matter is one of public importance. I doubt not that the Government will be able to put forward a statement as to what happened on the evening of the 11th February with which they are quite satisfied but we, the members of this Council, apart from voicing the wishes of our own constituencies, have got also to look to the primary duty which every member of the Council is to discharge and that duty is, to look after the interests of the province as a whole so far as the

Executive Government is concerned. Sir, I am a believer in the dictum which was put forward by a friend of mine a few years ago, namely, give a man power and he is sure to abuse it unless there is a strong public opinion against him. If I had the power to take Rs. 5 from the pocket of my neighbour my animal insticts would probably prompt me to do so, but I know that there are sections in the Penal Code which make it an offence and I know there are customs and restrictions which would prevent me from doing so. Similarly, if we find that on a particular occasion events have happened under the orders of the Executive which to our mind and to the minds of the public of Bengal might not have been done under circumstances which justify the use of fire-arms, it is necessary that we, the members of the Council, ought to bring that matter before the House for the purposes of discussion. But, Sir, there is another reason why I bring forward this motion before the House. When this question was discussed in the Assembly the Home Member, Sir Alexander Muddiman, as well as the Commerce Member, Sir Charles Innes, are reported to have said that the matter was one for the local Council and that the House would be very ill-advised to pass censure when the facts showed that the authorities were right. Sir, that is a statement which of course need not surprise us, having been given by a Member in charge of Government. Before, however, I pass on to the motion itself I would like to read out one more sentence from the speech from Sir Charles Innes in which he is reported to have said that "the versions as received by his officials were quite different from that given by the workers and that they did not tally in all respects. Indeed the House was not in possession of facts." I would have liked, if I were in the Assembly, to have asked the Home Member how he could have passed judgment on the conduct of an official on a particular evening when the House—perhaps I may say when neither the House nor the Government were in full possession of facts. Sir Charles himself is also reported to have said that at a particular stage the District Magistrate ordered the use not of fire-arms but of bayonets. He said that his task was difficult. Then he said again "no more violence was used than was necessary". Sir, if the House was not in possession of facts how was this opinion expressed I fail to understand. Sir, it is for the purpose of raising a discussion on this matter on behalf of the Congress party that I felt it necessary to bring this motion before the House. It has been suggested to me that, instead of asking for an adjournment of the House, it might have been possible to put question to the Government with regard to the details of the incidents on that day. But, Sir, there is a very obvious objection to that procedure. On many occasion that I have put questions in a formal manner to the President or the Secretary about matters, I have found that they could not be answered before three weeks, when that particular matter ceases to be of urgent importance. There is another reason why that procedure

would not have satisfied the members of this House nor the public at large and that is that a statement—an unverified statement—would probably be made without it being tested as to its accuracy by people on whose judgment we could rely. Probably that statement would be one which had been put up by the District Magistrate himself—in this matter a person who happens to be practically the accused.

I now pass on to the subject-matter of the motion. Here I have a paper in my hand in which Mr. Rao, the General Secretary of the Bengal Nagpur Railway Union, is reported to have stated thus:

"A further attack was made by the Auxiliary Force, and they began to pursue and charge the strikers with bayonets."

Mr. PRESIDENT: Are you taking the responsibility of that statement?

Dr. BIDHAN CHANDRA ROY: Sir, I am referring to a statement made in the public press. The names of the members of the Auxiliary Force were given who were supposed to have indulged in the firing. This appeared in the public press and it has not been contradicted by the Government. The statement refers to shooting and bayoneting.

The Hon'ble Mr. A. N. MOBERLY: Sir, I take exception to the discussion as regards the bayoneting. All that the motion relates to is firing. The bayoneting and the firing took place at different times and at different places.

Mr. PRESIDENT: There cannot be any discussion in regard to bayoneting as that is not within the scope of the motion before us.

Dr. BIDHAN CHANDRA ROY: I was narrating the facts and had read only one sentence in which the reference to bayoneting appeared. The Hon'ble Member need not be nervous about the word "bayonet".

Mr. PRESIDENT: But you have not told me yet whether you take the responsibility for that statement.

Dr. BIDHAN CHANDRA ROY: Sir, it was a report by Mr. Rao and it had been published by the *Amrita Bazar Patrika*. Sir, it is alleged that two members of the Auxiliary Force were recognised as Messrs. Edward and Gait who shot at the strikers and surely their whereabouts can be known. They pursued the men into the bazar where they shot a man who was standing near Karim Bux's shop. The man ran up to the shop after receiving the shot and fell down and later on was carried to the hospital. I am not concerned at present with the method of repression that was used and what orders the District Magistrate had issued to the Auxiliary Force. I am merely

placing before the members of the House certain incidents which no one has been able to challenge, namely, that there was shooting. I believe that the Government Member will make a statement to show that shooting was not done by the members of the Auxiliary Force. However, I will not pre-judge that statement. I find members opposite are smiling. I would ask the members opposite not to take the matter with levity. Whilst I am addressing the House on this very serious matter when members of our community are shot down the gentlemen opposite can afford to laugh and smile. This attitude of members itself shows the necessity of placing a matter of this kind before the House. It has not been denied that the Auxiliary Force were called out by the orders of the District Magistrate—it is not denied that the members of the Auxiliary Force under Colonel Henderson are also employees under the same railway. They are superior officers in that railway and it has also, I believe, not been disputed that the strikers and the officers of the railway were at variance on particular issues. What these issues are it is not for me to discuss here. But the fact remains that the members of the Auxiliary Force are also the superior fellow employees and that they were called out at the instance of the Magistrate. It is not denied that the report I have just read to you does not tally with the official report. It has also been suggested in order to explain the particular incidents that happened on the evening of the 11th February that stones were thrown upon certain officers or officials of the railway as a result of which the repression took place. Sir, I have taken the responsibility of moving this motion before the House in order to make two points perfectly clear. Before we the members of the Council, or the members of the public are satisfied with the statement made by Sir Charles Innes "that no more violence was used than was necessary" we must see that the statement made by the Magistrate is tested by a committee of enquiry consisting not of officials of the railway or of Secretariat people but by members who have been affected by the firing, on that particular evening or members whose judgment can be relied upon. It has been suggested, as I have said, that no more violence than was necessary was used, but it has not been denied that violence had been used. The question was whether the District Magistrate was justified under the circumstances in calling out the very members of the Auxiliary Force who may have been responsible for creating the situation and whose attitude towards the workers was resented by the strikers. It is questionable whether the District Magistrate was under the circumstances the only proper person to judge as to the necessity of using violence. Before violence is used on entirely unarmed workers, those who are weak and cannot defend themselves, the onus to show that violence was necessary lie upon the person who used that violence. It is not only necessary to satisfy the members of this Council that no more violence than what was necessary was used but it is also equally necessary to satisfy those

persons who are the victims of that violence that violence was justified—that justice was done and will be done in future so that what has happened may not be repeated in future.

With these words, I put the motion before the House.

Mr. K. C. RAY CHAUDHURI: I offer my hearty congratulations to Dr. Bidhan Chandra Roy and through him to his great party for beginning to realise that no truly national movement in any part of the civilised world could be divorced from the needs of the workers and the peasants. Sir, I am coming straight to the burden of my song. This general strike I mean the spreading of it all over the line on the Bengal Nagpur Railway apart from its economic and other causes is the outcome of whipping, bayoneting and shooting at Kharagpur on the eleventh instant. The unrest at Kharagpur among the employees of the Mechanical Workshop thanks to the propaganda of the Labour Union—loomed very largely before the public for the last six months or so and their grievances are defective housing, dismissal of nearly seventy hands, low pay among certain class of workers, frequent assaults and racial discrimination.

The Hon'ble Mr. A. N. MOBERLY: On a point of order, Sir. Is the member justified in referring to the grievances of the employees?

Mr. PRESIDENT: You should confine yourself to firing only.

Mr. K. C. RAY CHAUDHURI: I want to refer to certain incidents.

Mr. PRESIDENT: You cannot refer to the grievances of the men. You should confine yourself to the firing on that particular date.

Babu AKHIL CHANDRA DATTA: In discussing the question of firing, are we not in order in discussing the circumstances leading to the firing?

Mr. PRESIDENT: You can narrate the incidents as they took place. You cannot refer to grievances and suggest remedies.

Mr. K. C. RAY CHAUDHURI: There were some incidents which had a direct bearing on the shooting. The incidents were the effect of certain causes and unless I relate these causes, I will not be able to convince my friends here that these incidents actually led to the shooting.

Mr. PRESIDENT: You can narrate the incidents and make comments on them, but you cannot refer to grievances or suggest remedies.

Mr. K. C. RAY CHAUDHURI: Very well, Sir, I will not mention the word "grievance". I was myself appointed a member of a sub-committee by the Bengal Trade Union Federation, a few weeks ago to investigate and report on the causes of unrest—never mind grievances. I wrote a letter to the Agent of the Bengal Nagpur Railway on the 29th January, and made certain suggestions and got a reply from him on the 1st of February as follows:—

"I am much obliged for the suggestions which you make in a letter of 29th ultimo which I am sure is made with every desire to help the situation. I regret, however, that I can see no good which would be likely to result from such an enquiry and I do not feel that I could associate the Railway Administration with a committee of this nature."

I sent in a notice of a resolution which I intended to move in this Council for empanelling a board of conciliation to enquire into the grievances of the Railway men within the Province of Bengal, but it was disallowed on the ground that the Railways were central subject. The immediate spark that exploded the explosive materials was the transfer of Mr. Naidu, a loco accounts clerk and the Branch Secretary of the Labour Union from the shop to the station committee. I had a long talk with Mr. Naidu last Sunday and he told me frankly that the Acting Chief Mechanical Engineer, Mr. Blewitt, in consultation with the Agent, decided to transfer him to the station committee in order to help that committee in the housing of the workmen or in other words in the interest of the workmen who have complained. The Company was anxious to rectify the defect with the personal assistance of Mr. Naidu. Unfortunately Mr. Naidu was not previously consulted about the proposed transfer and was thus ignorant of the motive of the transfer. He protested and appealed and could not join the new post immediately and was fined one day's pay. The workmen as a protest against this transfer struck work on the 9th. Naidu joined his duty on the same day and was pleasantly surprised to find from the papers in the office that he was transferred to deal with the very complaint that he had made on behalf of the workmen and as their Secretary regarding defective housing, fencing of the quarter, etc. The well-meaning transfer of Mr. Naidu was cancelled and the fine remitted by the Agent who spoke to Mr. Naidu on 'phone from Garden Reach. Mr. Naidu, the Chief Mechanical Engineer and the Executive Officer of the station committee talked to the strikers and promised to go into the housing and other grievances as well as the question of dismissal within two or three days. This was on the 9th. They all resumed work but struck again on the 11th because no steps were taken by the Mechanical Engineer. Mr. Naidu, Mr. Ramchandra Rao, the General Secretary, cried hoarse begging the men to have patience but the mass was out of control. They left

the shop in excitement and marched towards the railway station asking the traffic hands to stop work. A batch of them waited on the platform to inform the running staff of Puri Express which was about to arrive. My information is that the Railway officers hurried to the platform and began to drive them out. I was told that Messrs. Blewitt and Purkis, started assaulting and a striker was actually whipped and thrown down the yard. This apparently added fuel to the fire and the strikers began throwing stones with the inevitable result, *viz.*, the Police and the Auxiliary charged them with bayonets. There was a regular affray and the strikers as well as passers-by had somewhat rough time. The Auxiliary under the command of Colonel Anderson chased the strikers and non-strikers all over the place, bayoneting, kicking and whipping. They even rushed upon a gathering of men and women engaged in Saraswati Pujah and are reported to have broken a dramatic performance. At the western cabin towards the west of the platform Auxiliary men were posted on the level-crossing which connects the Indian with European quarters. It is on report that these pickets whipped and bayoneted and this provoked fresh stone-throwing and the stone-throwers were chased towards the bazar and Kissen, one of the workers of the carriage shop, received buckshot wounds on his right thigh and left knee. I have taken a statement from him in which he says:

"At about 10 P.M., on the 11th February, 1927, I went to the railway station to leave my brother's son-in-law at the station as he had to go away to his native place. After a few minutes a crowd of men came there stating that they struck work and that the traffic people should strike work forthwith. So saying they all went to the west cabin. From there while they were all returning some officers and volunteers came there and began to chase the men by whipping and bayoneting. All the men began to run, being afraid. Then I too began to run and my relative also came running with me. When we came near the house of Dondapany Babu one of the volunteers shot me with his gun. I received two bullets in my thigh (right) and one below my left knee-cap. I fell down. Then my relative and others took me to the hospital. The doctor then dressed the wounds. After the wounds were dressed Doctor Crolley came there and his men took me to the Main hospital. Here I was kept under the influence of chloroform and I do not know what they did during that time. I can surely say that a volunteer shot me as I knew from the dress he wore and there were no policemen there at that time. I am living in Kharida."

Besides this case, others were wounded by bayonets. This, as I have found by my personal enquiry, has caused widespread panic. In fact the Auxiliary, mostly non-Indian employees of the Bengal

Nagpur Railway, terrorised the poor illiterate workers in order to break the strike. My point is that whenever there is a strike or there is a reasonable suspicion of a breach of peace in a jute mill area the ordinary police are employed, but in Kharagpur how is it that instead of the ordinary police the Auxiliary force was brought in? The workmen's suspicion was that these Auxiliary men consisted of B. N. R. officials, and they suspect that these men were employed in order to break the strike, in other words, these men did not come there with an open mind. In cases of strike, one has to be very careful about the employment of armed force, as it always leads to the suspicion that the Government and the police always side with the employers. It is the old old story of protection of the rich men's properties but what about the protection of poor men's lives getting damaged every day by under-feeding, bad-housing and insecurity of service. When will the guardians of law and order realise that they owe a sacred duty also to the workers whose toil and whose production keep civilization going. What is most detestable in this country is the oppression of the poor by everybody, official, non-official, politician and patriot, oppression all round and I say specially to the guardians of law and order that this oppression, this arrest of innocent strikers is causing a gigantic revolution in the mass mind of India. I want the Government to realise that the workmen in industrial areas are always suspicious that whenever there is a dispute between them and their employers, Government always side with the latter. These things happened in the case of the East Indian Railway strike, the Tramway strike and other strikes. Therefore my sincere appeal to the Government is that they should withdraw the armed force from the locality. In this very Council in the year 1922 I brought forward a resolution which has become a part of the Trade Disputes Act in England. It was pooh-poohed as dangerous but it was considered to be good enough in the Colonies. But what do we find here in Bengal? They have neither leaders nor funds nor weapons wherewith to fight capitalism, and this is exactly what happened at Kharagpur. When I went to Kharagpur I found that they were panic-stricken and were under the impression that Government were helping the Bengal Nagpur Railway authorities as against labour.

Babu AKHIL CHANDRA DATTA: We are discussing a motion of adjournment and although there is nothing specific in our Manual but still according to the well-known Parliamentary convention a motion of adjournment is really a motion of censure and without disclosing any party secret I might say that when we were discussing as to the desirability of sending a motion like this in our party meeting there was the general apprehension that being a censure motion it would not be admitted by Government. Being an old man I was laughing in my sleeves and thought that it would be welcomed by Government because

we know that it would give the Government an opportunity of white-washing the officials—that is what they do ordinarily. The other day a motion was moved in the Assembly on this subject and we all know what was said there. We know that one of the most responsible Members of that Government declared that as long as he should be a Member of the Government no District Officer would be penalised or punished for doing such things. That was his declaration and I am sure I am not altogether mistaken that the same attitude would be assumed by this Government also. I will only say that that gentleman, namely, the Commerce Member, might well have said with equal propriety that as long as the British Government would continue in this country such monstrous atrocities would never be deprecated. However, we are glad that an opportunity has been given to us to discuss this question. I shall not discuss the facts; they are so very well known and have been discussed by the honourable mover of this motion. It is a very simple story. There was a labour dispute, a dispute between labour on one side and capital on the other side. It is a most unequal fight, a fight between the poorest of the people on the one side and the mightiest of the mighty on the other. In that fight the Government, the all-powerful Government, threw all its weight on the side of capitalism. (A VOICE: It has always been done.) I say it is not always done. Whenever there is any European interest at stake Government has thrown all its weight on the side of capital and I may take it that there is nothing unusual or extraordinary in this. This will happen as a matter of course in this country. This fight is really a part of the bigger fight for the freedom of the country and it is well known that in all fights for the freedom of a country there must be bloodshed. Bloodshed is essential but we are an unarmed people, therefore as far as human vision goes there is not the remotest possibility of regular bloodshed in attaining the freedom of the country. It is the mysterious dispensation of Providence that our blood should be shed in such fashion. I find no word of regret here over this incident; that was also the complaint made in the Legislative Assembly. So far as this Council is concerned we have had some gentlemen on the other side laughing and smiling over this incident. However, I shall only say this that the station yard at Kharagpur will be the graveyard not of labour but of capitalism and imperialism. Every drop of blood that was shed in that station yard would contribute to the price with which the freedom of the country will have to be purchased.

Before I conclude I should like to put these questions to the Hon'ble Member:—

(1) Why was the Auxiliary Force called out and by whom?

(2) Is it a fact that the members of the Auxiliary Force are the superior officers of the employees on strike?

(3) At what time did the firing take place and at what part of the station?

(4) Did the District Magistrate give the order for firing?

(5) At whose instance was the order issued?

Mr. PRESIDENT: Will you please hand over your questions to the Hon'ble Member?

Babu AKHIL CHANDRA DATTA: Yes, that is better.

Mr. W. L. TRAVERS: I rise because the Hon'ble Member who has just spoken, Mr. Akhil Chandra Datta, and Dr. Roy apparently are under the impression that some laughter here on this side was a jeer at some unfortunate sufferers at Kharagpur. I deny that most strenuously. I wish to correct that impression in the mind of my friend Mr. Akhil Chandra Datta. We deplore as much as any Indian member any suffering that has been caused by unnecessary firing either by the Auxiliary Force or the police or anybody else. Our laughter was caused by some words in Dr. Roy's speech and our laughter was due simply to the words which he used. We consider that his speech was "flimsy", the conclusions which he drew and the evidence that he produced were flimsy and we laughed at his language simply. I saw just now my friend Mr. Sen Gupta smiled at a remark that was made by the gentleman behind me who supported the resolution. Our laughter was exactly the same as that of Mr. Sen Gupta. We smiled simply at the language and I deeply regret that any member of this House should for a moment imagine that we should smile at any shooting or suffering among our fellow subjects in Bengal.

Dr. BIDHAN CHANDRA ROY and Babu AKHIL CHANDRA DATTA: We accept your explanation.

Mr. W. L. TRAVERS: You are satisfied? Thank you.

Now on this main point itself. I myself think that it is unproven. I have heard from Mr. K. C. Ray Chaudhuri a statement made by a man who has been shot. If there were any unnecessary shooting, any shooting at all that could possibly be prevented, I would join in condemning it but at present I consider it unproven. Dr. Roy's methods of inquiry as to whether the facts which are reported are true or not is one that I have a strong objection to. I do not think that administration in this country or, for the matter of that, in any other, would be possible. If when any officer—it does not matter whether he be British or Indian—a District Magistrate or a policeman—is placed in a difficult position and he takes such action as he thinks good and makes

a mistake, I do not think that an enquiry by a commission of non-officials would make administration in the country possible. You must leave that enquiry to be done by the officers above him. Because Dr. Roy is against Government I know he has no use for such an enquiry, but I put it to Dr. Roy that it may be within the next 10 years that he himself will be a Minister sitting in power there under perhaps a different constitution.

Dr. BIDHAN CHANDRA ROY: Under the Swaraj Government.

Mr. W. L. TRAVERS: But still he might be in that position and let us suppose that one of his officers has made a mistake. If he has made a mistake (mind you, I do not admit for a moment that there has been a mistake) he will then oppose any committee of non-officials to enquire into the officer's conduct. Moreover, I do not know Mr. Reid or any member of the Auxiliary Force at Kharagpur but I say that if there is any reason for an enquiry it must be a Government enquiry which would have the confidence of those who are condemned unheard as well as of those who are heard on the other side.

Khan Bahadur Maulvi AZIZUL HAQUE: The question that has been raised is one which I take it should be discussed quite apart from political considerations, and is of so much importance that it concerns every citizen in this country. If I have heard Mr. Travers aright I understood him to say that we must understand the position in which gentlemen have to discharge their duties so that if they make mistakes no commission of inquiry of non-officials in any event need be sent in the interests of law and order but that it should only be enquired into by Government officers concerned. I am tempted to reply to him by saying that unless such mistakes are rectified at the earliest opportunity the lives of people would be very unsafe, because the strikes are only of recent occurrence and they might occur in any part of the country sooner or later.

Very unfortunately, in the past shooting has been too frequently done. Not that we do not realise that there may be possibility of mistakes, not that we do not realise that even where mistakes are committed the officer can be guillotined; we do realise all that. But in spite of that it is known to many in this House that as a matter of fact shooting is too frequently resorted to where other things could have been done. We do not deny that the ultimate resort for everything in human life is force. But at the same time force is not resorted to until it is absolutely the last, and from that point of view we realise that in a conflict where capital and labour is concerned and where administration is likely to be misunderstood as moving in the interests of capital and wealth it is very much better that administration will pause before it strikes dangerously into the heart of the people. In

any movement between capital and labour I should think that bayoneting, shooting or things like that should be resorted to as a last measure, as a measure where public opinion will say that there is no other alternative. But in spite of that we find that at the slightest nervousness of certain gentlemen who may happen to be on the spot shooting is resorted to. It is a thing which we in this House view with great dismay and concern. Such drastic action, in a matter which does not affect law and order and which can safely and tactfully be handled, is unjustifiable. I will not take much time by discussing other questions. I should add one word as a protest against the method in which the Auxiliary Force has been employed. I think it is a well-known principle that a man who is concerned in an affair should not be employed in his own favour but this has been done in this strike, if the statement of my friend Dr. B. C. Roy is correct. As a matter of fact the Auxiliary Force is constituted of those very people against whom there are certain grievances—grievances with which we have no concern in this motion. I should add that the Auxiliary Force should not have been employed. The police force could and should have been employed, if at all. If the Auxiliary Force is employed, there is a natural tendency on the part of the force employed to step beyond the limits. So far as this House is concerned, we record our views that in a conflict between one class and another it is to be seen that nothing should be done by which the class interested should be appointed to fight the other. That is all that I have to say.

The Hon'ble Mr. A. N. MOBERLY: Sir, I have listened with considerable care to a number of speeches, because I hoped to find out what case Government had to meet. I regret to say that I am still as much in the dark as when I began. We have, however, been told one thing, which corroborates the information in my possession. Mr. K. C. Ray Chaudhuri has told us that the workmen got out of the control of their leaders on the night of the 11th February. There was a meeting that night at about 7 o'clock and at about 9-30 a large portion of the men—about 500 to 1,000—rushed to the station. They attacked the signal cabins at each end and the men there were driven away or ran away. In any case this crowd took possession of a large portion of the station. The District Magistrate got information of what had happened. He was fortunately at Kharagpur at the time and so was the Superintendent of Police. He immediately sent for the Armed Police and went to the station himself with the Superintendent of Police and a few of the superior Railway officials: and this handful of men tried to clear the platform. They got the crowd to move as far as the bay where motor cars are taken off the trucks. There was apparently a heap of ballast on the line and the crowd began to throw stones. The District Magistrate retreated to the station and waited until the Armed Police came. The District Magistrate, Mr. Reid, very wisely came to the conclusion

that with 30 or 40 armed men he would not be able to do much: so he called out the Auxiliary Force. That was at about 9-30 P.M., or a little later, and I may add that the Auxiliary Force arrived at about 10-30 P.M.

DR. BIDHAN CHANDRA ROY: May I know what the strength of the Auxiliary Force was?

The Hon'ble Mr. A. N. MOBERLY: About 60 to 80 I think. When the Armed Police arrived, the District Magistrate detailed them with the Superintendent of Police to clear the platform up to the east cabin as the Puri Express was hung up there. They had some difficulty in moving the crowd back, but they got to the east cabin and the Puri Express was worked into the station. After the Auxiliary Force arrived they were detailed to clear the platform on the west side. I am bound to go into these details because Dr. Roy has not stuck to the question of firing but has also raised the other question of bayoneting. I shall explain what took place. The Auxiliary Force on arrival proceeded to clear the west platform up to the west cabin. As is laid down by the regulations, before dealing with the mob bayonets were fixed. The Auxiliary Force was received with showers of stones and many people lay down on the line in front of the Puri Express and on the platform. They had considerable difficulty in moving these men. Now, Sir, if you have to move a crowd which is hurling stones at you the very best thing you can do is to come as close to the crowd as possible, and that is exactly what they did. The casualties which were found in hospital were very few—about twelve, out of which 3 or 4 cases were serious. Apparently what happened was this—as they were moving the crowd back they pricked them with their bayonets. At one point there was a dead end. You perhaps know that a line sometimes comes to a dead stop in the middle of a platform. As the crowd was pushed back some of the mob and of the Auxiliary Force tumbled over the dead end and it is quite possible that the man who was struck in the face was injured here. There was obviously nothing in the way of a bayonet charge. So much for the Auxiliary Force. I come next to the police.

Dr. BIDHAN CHANDRA ROY: May I enquire of the Hon'ble Member whether he is prepared to deny that the Auxiliary Force had anything to do with the firing?

The Hon'ble Mr. A. N. MOBERLY: I absolutely and emphatically deny that they had anything to do with it and I will give my reasons. Now, in the first place the Auxiliary Force were armed with ·303 ball catridges. The gun-shot wound was caused by buckshot with which the armed police were supplied. In the second place, I have here a certificate from the Colonel Commanding the First Battalion, Bengal

Nagpur Railway Regiment, to the effect that on the night of 11th February 1927, the 1st Battalion did not fire any shots. The ammunition and the rifles were checked according to orders and all were found to be correct. The ammunition issued was checked and the rifles were clean.

Dr. BIDHAN CHANDRA ROY: Is the Hon'ble Member satisfied that the shots were fired by the police?

The Hon'ble Mr. A. N. MOBERLY: I am satisfied that the shots were fired by the police and I am coming back to it in a minute.

Dr. BIDHAN CHANDRA ROY: May I enquire of the Hon'ble Member the names of the policemen who fired?

The Hon'ble Mr. A. N. MOBERLY: One is Makram Tewari and the other is Kariman Singh.

Mr. S. C. BOSE: Is the Hon'ble Member satisfied that these were not cases of suicide?

Mr. A. C. BANERJEE: Or of attempted suicide?

The Hon'ble Mr. A. N. MOBERLY: As far as I know nobody has died. I will now mention the place where the firing took place. Mr. Cook, the Assistant Superintendent of Police, came back with a section of the armed police from the east cabin and found a large number of men just to the north of the level crossing near Golbazar hurling stones at a small picket under a havildar. He took his men there and tried to move back the crowd into Golbazar but the latter halted and violently pelted the police with stones.

Sir ABD-UR-RAHIM: May I know if any of the policemen were injured?

The Hon'ble Mr. A. N. MOBERLY: Mr. Cook received a brick on his head and Mr. Waterworth, the Superintendent of Police, and a number of constables were also injured. The crowd continued to throw stones and began to advance and Mr. Cook repeatedly warned them that if they continued to do so he would be obliged to fire. He had only a dozen men with him and the mob still advanced. So he issued orders to Makram Tewari and Kariman Singh to fire one round of buckshot each and they did so. I have their statements here. A man was picked up suffering from buckshot wounds and a pellet was subsequently found by X-Ray. There were no members of the Auxiliary Force there. Subsequently a section of the Auxiliary Force came up and reinforced Mr. Cook and a little later the District Magistrate himself arrived with some more of the Auxiliary Force. I put it to you, Sir.....

Dr. BIDHAN CHANDRA ROY: I am sorry, Sir, I am a nuisance. May I know whether the order to fire was given by the District Magistrate or the police officer?

The Hon'ble Mr. A. N. MOBERLY: The officer in charge of the police.

Mr. S. C. BOSE: Was any warning given?

The Hon'ble Mr. A. N. MOBERLY: He warned them time after time.

Babu AKHIL CHANDRA DATTA: May I enquire.....

Mr. PRESIDENT: You might ask the Hon'ble Member questions after he has finished his speech. I think there has been too much interruptions.

The Hon'ble Mr. A. N. MOBERLY: I have stated the facts and the evidence. I have mentioned the statement of the two constables who fired. I do not know what else is wanted.

I may state that every one of the wounded men is now out of hospital except three of the most serious cases and one man with a buckshot wound on his knee.

This motion is only with regard to firing and I put it to you that the firing was not only justified but it was absolutely unavoidable. There was a small force of a about a dozen policemen to control a large number of people armed with stones. If the police were overwhelmed there would have been more casualties. As it was, a number of constables and Mr. Cook also and. . ...

Dr. BIDHAN CHANDRA ROY: May I inquire of the Hon'ble Member whether the casualties in the police rank occurred before and after the firing and also the place in which they occurred?

The Hon'ble Mr. A. N. MOBERLY: Some of them occurred before the firing on the spot at which firing took place and some of them occurred in other places also. There were possibly one or two casualties after the firing took place when the mob retreated behind the corner and continued to throw stones from there.

Sir, it has been suggested that the Auxiliary Force and the police were kept in readiness at the station. That is not a fact. The District Magistrate was at the station long before the Auxiliary Force and the police were there.

I will now proceed to answer the questions put to me:—

(1) Why was the Auxiliary Force called out and by whom?

The answer is—by the District Magistrate because he had not sufficient police force at his disposal to deal with the situation. He had only about 30 to 40 constables to deal with a mob of about 500 to a thousand persons on the platform.

(2) Is it a fact that members of the Auxiliary Force were superior officers of the employees on strike?

I am not in a position to answer this question except that the members of the Auxiliary Force have been alluded to by the wounded man who was quoted by Mr. Ray Chaudhuri as *babalog* which probably means that they were apprentices in the Bengal Nagpur Railway workshop.

(3) At what time did the firing take place and at what part of the station?

It took place near Golbazaar and the actual time would probably be somewhere about 11 o'clock.

(4) Did the District Magisrate give the order for fire?

No.

(5) At whose instance such order was issued?

The Assistant Superintendent of Police.

(6) At what time was the order of the District Magistrate for firing given?

The question does not arise.

I think that is all I have got to say and I hope the House will support the officers who maintained order under such difficult circumstances and showed such self-restraint.

(At this stage the Council was adjourned for 15 minutes.)

[After the adjournment.]

Mr. A. C. BANERJEE: Sir, I move that the question be now put.

The Hon'ble the President ordered a counting of hands but that proving inconclusive, he ordered a division to be taken.

The closure was then put and declared lost, the voting being 58 for and 40 against it, a two-thirds majority not being obtained.

Mr. PRESIDENT: The result is that the debate will continue.

Sir ABD-UR-RAHIM: Sir, there can be no doubt that Dr. Roy was perfectly justified in brining forward this motion before the House. Firing on a crowd is always a serious matter and has to be strictly justified. The position is this. There was a strike amongst the employees of the Bengal Nagpur Railway at Kharagpur because they had certain grievances, and it is alleged, in fact admitted, that on the night of the 11th there was a firing on a crowd of the strikers. The result of the firing was that one man was wounded—I am told not very seriously, and the man survived. The Hon'ble Member in charge of the Police has made a very clear statement and we have now at any rate one version of the facts before us. But one thing I miss in the Hon'ble Mr. Moberly's statement, and that is a description of the circumstances which would support a definite statement, that the situation could not have been saved without firing. I cannot reproduce from memory the exact language of the law on the point, but I think the purport is that to justify firing on a crowd, it has to be shown that the peace of the place was likely to be so disturbed, that the danger to life and property was so imminent and that the mob was so violent that you could not save the situation without firing on the mob. That is what has to be proved. Mr. Moberly, so far as I have followed him, and I have followed him very carefully, although he gave us a general statement of the facts, did not tell us in so many words and did not point out the particular circumstances which justified the police officer who ordered the firing in coming to a reasonable conclusion that in the circumstances in which he was placed it would not have been possible to save the lives and property of the people at Kharagpur unless he ordered firing as he did. It is very fortunate that no lives were lost, but public opinion is rightly very sensitive on the question of firing and public opinion in such a matter must be respected. I cannot, therefore, say that up to now the House can be said to be satisfied that the circumstances in which the firing took place were such as to justify the action taken. That is really what ought to be made clear. There is another thing which I must put before the House and that is this: that when an incident like this has taken place it was the duty of Government at the earliest possible moment to issue a full *communiqué* describing the facts so that the public might not be groping in the dark in order to find out what actually took place. A serious situation did arise in Kharagpur and I do not know whether the *status quo*—the normal condition of things—has yet been restored. So far as I am aware, no *communiqué* has been published giving a full account of all that happened and justifying the action taken there. I do not think that I can in the state of facts that have been disclosed to us, go any further than that, but I do say that so far, Government were not justified in their action and I do hope that a fuller statement will be forthcoming from the Government of Bengal.

Mr. W. C. WORDSWORTH: I shall be brief in supporting Mr. Travers as the second speaker from this group. I wish to make it clear that we are not influenced in our opinion by the consideration that this deplorable occurrence was the outcome of a strike. Men who have been born and brought up in the industrial atmosphere of England are not likely to impute blame easily in the matter of an industrial dispute. We are all accustomed to such disputes. What is necessary is that this strike should be settled as soon as possible, and with as little sting as possible. It is your ruling, Sir, that we should confine ourselves to the actual occurrence of the firing. I admit that I share the difficulty felt by many other members of this House that as the occurrence was the result of an industrial dispute at Kharagpur they cannot but refer to the causes which led to that dispute, but I shall do my best to obey your ruling. What we are called upon to discuss today is virtually a vote of censure on Government because there was firing at Kharagpur. Put in other language, it means we are to condemn the action of Government and its officers because it has been found necessary to check violence by violence. Unfortunately long experience has not sufficed to find any other way of dealing with these emergencies. It is not denied that the situation at Kharagpur was serious: it is not denied that property was being attacked and presumably persons also, and if authority had failed and riot had got the upper hand what would the House and the public of Bengal have said? It is the business of authority in the last resort to protect by all means in its power all persons and property when attacked. The charge has been made that at Kharagpur authority defended the property of employers, but it was the property of employers that was being attacked and wrecked. That was the accident of the situation, but the force which Government could employ was available for the protection of any property or person attacked in this way, and I trust, therefore, that that argument will have no force with the members of this House. The charge was made often last year that the Government of Bengal was chary in using force to protect life and property in Calcutta. The accusation has now been turned round and Government is assailed from the other direction.

This resolution is in effect a reflection on the District Magistrate. Now I would ask you to consider who this District Magistrate is. It has been suggested that he may have lost his nerve, that he may have got excited and that generally he may have failed to control the situation. This District Magistrate is one of the most experienced officers in Bengal. He has proved himself in his long service to be one of the ablest officers in Bengal; he has won very high opinion in the districts in which he has served, and at Rajshahi some years ago at the time of the floods by what he did he won the gratitude of the people of the

whole district and the unstinted admiration of the province. We cannot separate the personality of the Magistrate from the events at Kharagpur, and his personality is a sufficient answer to the accusations that have been made. From the Government spokesman we have heard what the firing consisted of. One member has said that three bullets have been taken out of the injured man. I think he did not intend to use that word in its technical sense. Probably shots was the word he intended; we have it from the Government bench and we have the support of written certificates from Kharagpur that only buckshot was used and the rifles of the Auxiliary Force were not discharged. I think we may accept that as true beyond doubt. I have nothing more to say except that we recognise the generosity of Dr. B. C. Roy in accepting our disclaimer of any intention to be flippant. We share his sorrow at the deplorable occurrence at Kharagpur and if we differ from him at all and other speakers it is not that we dissociate ourselves from their earnestness, but only that we are unable to accept their conclusions from the evidence or reconcile them with the statement that has been put before us. We think that our friends opposite have adopted an unnecessarily disturbing method of obtaining the information that is due to the public about this occurrence.

Rai JADUNATH MAZUMDAR Bahadur: The measure brought before the House this afternoon is a serious one and whether a man was wounded with a buckshot or bullet is altogether a matter of indifference under this adjournment motions. The question is whether the man was shot and if he was shot whether he was shot by the police or by the Auxiliary Force. It has been stated here on good authority by the Hon'ble Mr. Moberly that the Auxiliary Force did not fire. They never use buckshots, they always use bullets. If a buckshot was extracted from the body of the man, it is clear that the Auxiliary Force did not fire.

(Several members of the Swaraj party: Will the hon'ble member please raise his voice?)

Rai JADUNATH MAZUMDAR Bahadur (speaking louder): Will you have that? Will this do? If the gentlemen wish me to raise my voice, they may find themselves compelled to leave the Council Chamber so terrible a noise it will make.

Mr. PRESIDENT: You should address me and not individual members.

Rai JADUNATH MAZUMDAR Bahadur: On this occasion, it is clear that buckshots were fired and not bullets; therefore it is also clear that the Auxiliary Force did not fire and the police did, but

the police must justify the firing and state under whose orders they fired. If the District Magistrate found that the situation was so critical that it could not be quelled wtihout firing at the crowd, he could not wait for the orders of the Government.

We have got the statement of the dead man and from that we learn that he was fired at 10 P.M. The Hon'ble Mr. Moberly could not tell us when the man was fired. Was there any rioting on the station at about 10 P.M.? If so, what was the number of rioters present? These facts are not before us. We must remember that labour is not properly represented in this House; at the same time we must not arrive at any conclusion without hearing the other party. Of course the other party is an influential one and is represented by the Bengal Chamber of Commerce and other Associations in this Council. But, however, influential they may be, justice requires that we should hear both sides: my legal instinct always compels me not to be influenced by any plea of one particular side only. I say, Sir, it is of no use condemning Government without knowing the facts. If it was not necessary to fire in order to quell the riot, then the officer who gave the order to fire must be censured. But are we sure of the facts? Mr. K. C. Ray Chaudhuri stated that the man was going to the railway station to see some of his relations off. If this is so and if he had taken no part in the riot, it was surely very bad on the part of anyone, be he a police officer or a member of the Auxiliary Force, to have shot him, but we must have the facts. We must not make a political issue of this question. I do not say that our European friends are indifferent to Indian lives. Every European whether he be a Government officer or a merchant has as much regard for human lives as we have, although we have occasional exhibitions of bad humour on their part in the shape of rupture of spleen of poor Indians. Higher class Europeans are fully aware of the fact that whenever Indians lose their lives at the hands of a European, it goes not only against them but also against Government. Whatever the non-official Europeans do is attributed to the Government: the better class among them are always found very reluctant to associate themselves with any action which penalises Indian lives. On this occasion we are not sure of facts. We are groping in the dark. It may be that this man was unnecessarily shot—shot without rhyme or reason—or it may be that it was necessary. I repeat again that the motion of Dr. Roy's should not be made a political or a party question.

Of course, capital requires protection as much as labour does. I understand that 80 per cent. of the shareholders of the Bengal-Nagpur Railway are Indians; if that is so, the conflict is between Indian labour and Indian capital. Conflict between labour and capital there must always be, and always has been there from time immemorial

and shall continue. Of course tact, kindness and forbearance are required to solve this eternal problem. I say again, Sir, that this question should not be made a political issue but should be treated on its merits alone. If the shooting was not really necessary the officer who gave the order to fire must be censured for his rashness. If it was necessary, for the protection of property, he should not be blamed but, Sir, this question should not be discussed from a political standpoint.

Mr. J. M. SEN GUPTA : May I rise to a point of order? May I ask you to give your ruling whether the 15 minutes or rather the 20 minutes for which you adjourned the Council for prayer should be counted within the 2 hours that we are entitled to discuss this question under section 84? I wish to say only one word with regard to the .....

Mr. PRESIDENT : I do not think you should raise this point now—not till after 7 o'clock.

Mr. J. M. SEN GUPTA : There are only four minutes more.

Mr. PRESIDENT : That does not matter. You can raise that point after 7 P.M.

Mr. C. C. COOPER : The Congress party having asked for closure I do not see how it can now fairly ask to have it both ways.

Babu JITENDRALAL BANNERJEE : Though it is unfortunate that we cannot press this motion to a division, yet under the circumstances I am justified in claiming the closure-vote as a moral victory for one side of the House. By 58 votes against 40 this Council has declared its emphatic condemnation of the action of the Government regarding the outrages at Kharagpur; and whether we can press the matter to a vote or not, I regard it as a circumstance of good augury for the future. It shows that the Government cannot count upon a servile majority in this House, and that, in future, they will meet with stern and bitter opposition if the wish to follow any arbitrary line of policy or conduct. I was astounded by the ignorance professed and calmly professed by the Hon'ble Mr. Moberly. This shooting and bayoneting took place on the 11th of February. Sir, I refer deliberately to the bayoneting though Mr. Moberly seemed to be nervous about it and you, Mr. President, ruled that no reference should be made to this.....

Mr. PRESIDENT : Mr. Bannerjee, you cannot refer to that. You must not forget my decision on this point.

Babu JITENDRALAL BANNERJEE: Sir, I do not question your ruling; but, I want to make it perfectly clear that the shooting and bayoneting go together; they form part of the same transaction. It does not matter in the least if the motion mentions only the word "shooting". We cannot separate the two; and it is the two together which form the object of our grave condemnation. As I was saying, I was astounded by the ignorance professed by the Hon'ble Mr. Moberly. No doubt, the shooting took palce on the 11th; but the trouble and discontent of the railway men had been simmering for some time past, and yet to-day the Hon'ble Member comes before us and calmly professes that he does not know anything about the matter. I say it is his business to know all about this matter. That is what he is paid for.....

The Hon'ble Mr. A. N. MOBERLY: Sir, on a personal explanation. I did not say that I knew nothing about the matter; in fact I knew everything about it.

Babu JITENDRALAL BANNERJEE: I was referring to strike; and about that he has professed his ignorance although it is his business to know all about it. If he cared for the welfare and the good administration of the country, he should have run down to Kharagpur and settled the matter before now. This is the business that Hon'ble Members have got to do and not simply to write up nice reports compiled for the purpose of humbugging the public. And just as I was astounded by his ignorance, I was equally astounded by the character of the defence which he sought to put up and not simply he, but also the European members on the other side. Mr. Travers contended, that the case against the Government had been not proved; but the boot is upon the other leg. We have proved our case to the hilt; we have shown that there was shooting and bayoneting; and it is for the Government to show that the shooting was justified. But up till now that justification has not been forthcoming. We have heard about stone throwing and of hurling of brickbats; but where are your casualties? We have produced the victims of your shooting. But where are the victims of these imaginary brickbats of yours? We have also heard that nothing more than necessary force was used, and that the only force used was for the purpose of clearing the station yard. This is a most inaccurate version of facts. So far as the east cabin was concerned, the people who had congregated there were pursued down to the town settlement which is far beyond the station yard, and there the Auxiliary Force and the policemen attacked them. Sir, a most futile distinction has been sought to be made between the Auxiliary Force and the police; but in either case the responsibility of the Government and of the District Magistrate is the same. The Auxiliary Force and the policemen pursued the men to the town

settlement and disturbed a Saraswati Puja ceremony that was proceeding there. Was this a case of necessary force being used for the purpose of clearing the station yard? So far as the west cabin was concerned the men were pursued down to the bazar and a man was actually shot at the shop of a tradesman. And would you speak of necessary force here also? Sir, the clock is against me, and I shall not tire the patience of the Council much longer. But, as I began by saying though we cannot push the matter to a vote, yet I think the House has emphatically expressed its condemnation of an incident which was a crime against labour, a crime against humanity, and a crime against God; and it is this sort of crime that will destroy your Government much sooner than the disloyalty of the subject population.

The Hon'ble Mr. J. DONALD: I understand that the two hours allotted for the adjournment motion have elapsed and the debate should close now.

Mr. J. M. SEN GUPTA: May I submit a point for your ruling, Sir? You adjourned this sitting for half an hour or so for prayers. Would it be said that the House has had two hours and the debate should terminate now automatically. Supposing we had to adjourn for some time and we took much longer to come back, would it be said that the two hours allotted for the debate have elapsed?

Dr. PRAMATHANATH BANERJEA: Two hours of debate.

Mr. PRESIDENT: To me it appears that the rule contemplates that two hours have got to be devoted to the discussion of the motion that is before the House. The debate should therefore continue up to 7-20. (Hear, hear.)

Mr. W. D. R. PRENTICE: Mr. President, I listened with more than ordinary admiration to the speech of the last speaker who has brought in a matter of which I never heard before, *i.e.*, this riot was connected with the Saraswati Puja. Moreover whatever be the ignorance which apparently characterises Government Members I find that the Hon'ble Member is not aware that strikes do not come within the cognizance of the Hon'ble Member-in-charge of the Political Department but are dealt with in the Commerce Department for which another Hon'ble Member speaks.

Sir Abd-ur-Rahim has said that he was not satisfied of the necessity of firing. I think the best thing for me to do is to read to the Council a report submitted by the Assistant Superintendent of Police who was in charge of the party which fired; and with your permission, Sir, I propose to do so. Of course, I start with the presumption that you have to accept that a Government official states the facts correctly. If not, then it is no use reading anything.

Mr. A. C. BANERJEE: Not of the person who is himself guilty.

Babu AKHIL CHANDRA DATTA: May I ask a question which was not answered? Is it merely a version of the man on the spot or the finding of the authorities who made an enquiry into the matter?

Mr. W. D. R. PRENTICE: I propose to read an account of the Assistant Superintendent who was in charge of the party that fired and I propose to supplement it by the report submitted by the District Magistrate who arrived on the spot shortly after and made an enquiry into the matter and reported on the facts. A responsible Government official is just as much capable of telling the truth as any member of the Council.

Mr. J. M. SEN GUPTA: Why was not the report published before in an official *communiqué*?

Mr. W. D. R. PRENTICE: I propose to deal with the question of a *communiqué* later on. The report is as follows:—

"On the night of the 11th of February I was called out at about 9-30 P.M. The Town Inspector informed me that the workmen had declared a lighting strike, and had gone to the station to stop the trains.

I proceeded to Japatapur and called out the armed branch, and then returned to the station. With the arrival of the armed branch the Superintendent of Police and I went with them to the east cabin where a crowd was holding up the Puri Express.

We found a large and unruly crowd round the east cabin, who on our arrival pelted us with ballast stones. The Superintendent and several constables were injured, and I received a cut on my head. We dispersed the crowd with great difficulty, and drove them off the railway property, they kept up a shower of stones and brickbats the whole time, and kept jeering at us and urging us to fire on them. Having driven them back I went off to collect reinforcements, I returned a little later with about two sections. I left one havildar here as a picket, and returned towards the station with the other men. Hearing a noise from the town side I proceeded towards the main level crossing. Here I found a large crowd about 20 yards on the north side of the crossing throwing stones at a party of armed branch men, who were stationed on the crossing. I collected these men and pushed the crowd back to the entrance to Golbazar. Here they halted, and showered brickbats, etc., on us. We held them there for some time. Then they started to attack us, and advanced shouting and throwing stones. I warned them several times that I would fire on them if they did not retreat, but my warnings were of no effect. I ordered two men forward, and on my command they fired one round each, no other rounds were fired. Apparently one of the crowd was injured, and they retreated. A section of A. F. I. then came

up and reinforced us. The crowd continued pelting stones from behind the corner, several of my men had been injured previous to my opening fire. A little later, the District Magistrate arrived with some more of the A. F. I. and we dispersed the crowd. We remained at the level crossing. At about 1 A.M. I went on patrol with a section of men in a motor lorry. We went round the traffic settlement, and Golbazar, and found all quiet. I then remained on duty at the railway station for the rest of the night."

This is what Mr. Reid says:—

"Mr. Cook says that he and his constables were warning the rioters the whole time that if they did not go away they would be fired at."

Now, I venture to suggest that that is a clear and explicit account of what actually happened. There is no concealment of facts. Attached to the report are the statements of the two constables who actually fired under the admitted orders of Mr. Cook. You have also heard that Mr. Reid arrived there shortly after this, and he at once held an enquiry and his conclusions are as follows:—

(1) That recourse to firing was absolutely necessary.

(2) That no more rounds were fired than were absolutely necessary.

(3) That the firing was absolutely under control.

(4) That the temper and behaviour of the men were such that Mr. Cook had no other alternative in the execution of his duty but to open fire.

You may say that Mr. Cook is a young and an inexperienced officer. The members of this Council will remember that in May last year there were serious communal riots at Kharagpur and Mr. Cook's conduct in connection with these riots is characterised as follows:—

Mr. A. C. BANERJEE: By whom?

Mr. W. D. R. PRENTICE: By Government: "This young officer has shown throughout marked energy and commonsense."

Babu AKHIL CHANDRA DATTA: I rise to a point of order. May I ask how this is relevant to this discussion? This is a certificate given by Government in regard to another matter.

Mr. PRESIDENT: I think Mr. Prentice is perfectly justified in reading what Government actually thought of Mr. Cook.

Mr. A. C. BANERJEE: In connection with another matter?

Mr. PRESIDENT: It does not matter.

Mr. W. D. R. PRENTICE: I was going to say that he had shown "marked commonsense combined with an imperturbable temper".

Dr. BIDHAN CHANDRA ROY: May I ask whether the statement was based on an enquiry made from those who were shot?

Mr. PRESIDENT: I think, Mr. Prentice, you should answer these questions after you have finished your speech.

Dr. BIDHAN CHANDRA ROY: I thought that he had finished his speech.

Mr. W. D. R. PRENTICE: I read that out in order to show the character of Mr. Cook in connection with the riots of May. It shows that he was not a young and inexperienced officer who was likely to lose his head in difficult circumstances. In the previous riots he had shown that he could control his temper absolutely and I was going to say that under the present circumstances, Government is perfectly satisfied that there was no question of his losing his temper, and the report shows that he warned the crowd several times to go away but the crowd again commenced to advance and drove the police to the level crossing and then he ordered the police to fire. I was going to say that he was perfectly justified in ordering the police to fire under the circumstances.

Mr. S. C. BOSE: Where was the Superintendent then?

Mr. PRESIDENT: This question should be put after Mr. Prentice has finished his speech.

Mr. W. D. R. PRENTICE: I cannot say the exact spot on the railway station where the Superintendent of Police was at the time but I shall look it up later on if the hon'ble member wishes to have the information. I can only deal with statements made by responsible persons.

Mr. J. M. SEN GUPTA: Have you got any statement from the victims?

Mr. W. D. R. PRENTICE: There is a statement by one of the victims attached to the report. I have not read it out because Mr. K. C. Ray Chaudhuri read it in the course of his speech.

Mr. PRESIDENT: Mr. Prentice, your words should be addressed to the Chair and not to the members.

Mr. W. D. R. PRENTICE: I am sorry, Sir. We have also a report made by an official of the Bengal Nagpur Railway who I presume will also be considered to be a suspect and his report is as follows:—

"Mr. Cook, Assistant Superintendent of Police, self, and Inspector Smith with about 20 armed police advanced to the Bazar Road, halting just near the Sub-Power Station, where we formed line and Mr. Cook ordered the men to get ready.

Meanwhile the crowd had commenced stoning us from the passage way near Kiran Baksh's shop which they kept up for a considerable time, nearly every one in the party present got hit as the stones were coming very quickly, both from this entrance to the bazar and from the compounds in front.

The crowd were warned to desist in Hindi by one of the armed police but they still kept throwing stones and advancing, they would be about 40 yards away.

Meanwhile the position was becoming very serious and the crowd commenced advancing towards the squad, so Mr. Cook ordered me to go to the west cabin and ask for some Auxiliary Force who were there under Major Chase, Mr. Wilson was also there; on my way to the west cabin I heard two shots fired, this would be about 23 hours, I did not see them fired."

That shows the circumstances under which the shots were fired. It also gives you some idea of the hour at which they were fired, 11 P.M., that is about an hour and a half after the outbreak of the riot. Sir Abd-ur-Rahim has said that under the law, so far as he recollected it, the circumstances were not such as to justify the firing. I think, he probably referred to section 130 (2) of the Criminal Procedure Code which lays down:—

"Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons."

I think, the Council will agree with me that the action taken by Mr. Cook was by no means in excess of what is laid down in that section. These are the facts if you accept the statement of Government officers. If you do not, it cannot be helped. But the facts show that the firing was justified.

The hon'ble member who spoke last persisted in saying that the firing and bayoneting were a part of the same transaction. If he had listened to the Hon'ble Mr. Moberly's speech he would have realised

that they were two distinct acts. I may repeat now what in fact the Hon'ble Member said. They were two distinct acts, absolutely distinct from each other. The firing was done by the armed police.

Babu JITENDRALAL BANNERJEE: What I said was that they were connected with the same transaction.

Mr. W. D. R. PRENTICE: I cannot accept the statement that they were part of the same transaction, unless "transaction" means the whole of the incidents at Kharagpur on the night of the 11th. The bayonet wounds were caused by the Auxiliary Force and the firing was done by the armed police. The Auxiliary Force were under the command of their own officers. We have a detailed report from the officers of the Auxiliary Force which has been submitted to the military authorities showing exactly what took place, but I shall not tire the patience of the Council by reading out the report; as I think it has been made perfectly clear that the Auxiliary Force had nothing to do with the firing. The Auxiliary and armed police were in two different parts of the station and they were put on different duties.

Mr. A. C. BANERJEE: May I enquire if Mr. Reid was a guest of the railway authorities and was in fact living in the bungalow of one of the officers?

Mr. W. D. R. PRENTICE: I cannot say what Mr. Reid was actually doing in Kharagpur that evening. I imagine that he was at the Club.

Dr. J. M. DAS GUPTA: May I enquire if the statement of any single Indian gentleman was taken?

Mr. W. D. R. PRENTICE: We have heard Mr. K. C. Ray Chaudhuri read the statement of the man who was shot.

Babu AKHIL CHANDRA DATTA: I believe you are afraid of the verdict.

Mr. W. D. R. PRENTICE: I am not afraid of the verdict.

Mr. PRESIDENT: As the time limit has been reached I think the debate automatically terminates.

The result is that the motion of Dr. Bidhan Chandra Roy is talked out.

ADJOURNMENT.

The Council was then adjourned till 3 P.M., on Wednesday, the 23rd February, 1927, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 23rd February, 1927, at 3 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers, and 107 nominated and elected members.

Starred Questions

(to which oral answers were given).

Acquisition of debottar lands for widening Nandi Road in Jamalpur Thana, Burdwan.

*13. **Mr. P. C. BASU:** (a) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether any application had been made by certain inhabitants of Suri, Kalna, in thana Jamalpur, district Burdwan, to the Government complaining against the acquisition of certain debottar lands for the purpose of widening the "Nandi Road"?

(b) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of making an independent inquiry into the matter?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (a) Yes.

(b) An enquiry was held by the local officers, and Government do not think that a further enquiry is called for.

Mr. P. C. BASU: Will the Hon'ble Minister be pleased to state who made the enquiry?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: No information on the subject has been received by Government.

Mr. P. C. BASU: Will the Hon'ble Minister be pleased to state if notice of enquiry was given to the applicant?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: Government has no information.

Mr. P. C. BASU: Will the Hon'ble Minister be pleased to state if the Damodar embankment is just near where the road is being constructed?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I have nothing to add to what I have already said. I want previous notice.

The Secretary called question 14, while the member was on his legs.

Mr. P. C. BASU: Will the Hon'ble Minister be pleased to state whether there is any.....

Mr. PRESIDENT: I am sorry you cannot ask any more supplementary questions. We have already gone on to No. 14.

Maulvi ABUL KASEM: On a point of order, Sir, the hon'ble member was still on his legs when the next question was called. I want to know if the right of asking supplementary questions is limited to 1, 2, or 3, as in the case of resolutions.

Mr. PRESIDENT: I do not think any reply is necessary to that. There is, of course, no such restriction imposed by any rule; but, I can always use my discretion in such matters.

Tube-wells.

***14. Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) be pleased to state whether it is a fact that Government bored experimental tube-wells in some of the districts of this Province?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what are the results of such experimental borings?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) (the Hon'ble Mr. Byomkes Chakravarti): (*a*) The reply is in the affirmative.

(*b*) The result of the boring is shown in the statement, a copy of which is laid on the library table.

Establishment of silk weaving schools at Malda and Murshidabad.

*15. **Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that schemes for the establishment of silk weaving schools at Malda and Murshidabad have been submitted to the Government for sanction?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether Government have sanctioned those schemes?

(*ii*) when such weaving schools are likely to be established?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) and (*b*) A scheme for a Silk Weaving School at Berhampore, district Murshidabad, has been received and sanctioned. It is hoped to open the school by the end of March or the beginning of April next. No such scheme for Malda has been prepared, and it is proposed to await experience of the working of the Berhampore School before going on with a scheme for Malda.

Appointment of Mr. Nasiruddin Ahmed in charge of the Pabna district.

*16. **Dr. J. M. DAS GUPTA:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that when Mr. K. B. Das Gupta went on leave from Pabna Mr. Nasiruddin Ahmed was placed in charge of the district?

(*b*) Is it a fact that there was in the station at the time a senior Hindu Deputy Magistrate, *viz.*, Mr. D. R. Ghosh?

(*c*) If so, will the Hon'ble Member be pleased to state the reason, if any, for the appointment of Mr. Nasiruddin?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Yes.

(*b*) Yes.

(*c*) Mr. Nasiruddin Ahmed was considered by Government the most suitable officer who could at that time conveniently be appointed to the post.

Mr. JOGESH CHANDRA GUPTA: Sir, may I ask a supplementary question? Is not that an evasive reply? In fact, it is no reply at all.

The Hon'ble Mr. A. N. MOBERLY: That is a matter of opinion.

Primary schools in Bengal.

*17. **SHjut TARAKNATH MUKERJEA:** (a) Will the Hon'ble Minister in charge of the Department of Education be pleased to state the total number of free primary schools in Bengal where Mr. Biss' scheme of free primary education has been introduced?

(b) How much has been spent for imparting free primary education in Bengal in 1925-26 and how much has been provided in 1926-27?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. Byomkes Chakravarti): (a) The total number of primary schools in Bengal sanctioned by Government in connection with Mr. Biss' scheme of free primary education is 275, some of which still remain to be opened.

(b) In 1925-26 Rs. 1,06,000 was sanctioned for recurring charges. The figures for actual expenditure are not available. The provision for Mr. Biss' scheme in the Education budget for 1926-27 is Rs. 1,07,000, including "set-free" grants.

Dr. PRAMATHANATH BANERJEA: Is the whole of the amount provided likely to be spent in the course of the present year?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I cannot say.

Board of Secondary Education for Bengal.

*18. **Babu MANMATHA NATH ROY:** (a) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether the Government have come to any decision about the proposed Board of Secondary Education for Bengal after the receipt of the Senate resolution on the point?

(b) If so, will the Hon'ble Minister be pleased to state what is the decision?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (a) No.

(b) This question does not arise.

Babu BEJOY KRISHNA BOSE: May I ask how long it will take for Government to come to a decision?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: That I cannot say.

Electric installation from Dacca to Manipur Farm.

*19. **Dr. KUMUD SANKAR RAY:** (a) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state--

(i) the amount of money expended on carrying lines for electric power to the Manipur Farm at Dacca from the Dacca town; and

(ii) for what purpose the said electric power is being used?

(b) Is it a fact that the power is used for supplying the benefit of lights and fans for the European officers residing in the farm?

(c) Will the Hon'ble Minister be pleased to state whether there are quarters for the Indian officers supplied with electric lights and fans? If not, why not?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (a) (i) and (ii) The installation has just been made at a cost of Rs. 29,398 with the primary object of equipping the research laboratories with electric power in order to facilitate scientific work on up-to-date lines.

(b) Yes. The power is used for this purpose in addition to the objects mentioned above.

(c) The quarters occupied at present by the Indian officers have been found inadequate, and the provision of more suitable quarters is under consideration. When these quarters have been improved, they will also be supplied with electric lights and fans.

Dr. KUMUD SANKAR RAY: May I ask the Hon'ble Minister whether it would not be possible to erect their own generating plant with the amount that has been spent in carrying the electric energy from Dacca to Manipur Farm?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I must ask for further notice of this.

Dr. KUMUD SANKAR RAY: Was any estimate taken to find out whether the cost would be less by generating the current locally than by carrying it from such a distance before the work was taken in hand? If not, why not?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I understand that the question has been enquired into by the Public Works Department.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if the existing quarters will be demolished, if not, cannot electric lights and fans be provided there?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: The matter is under consideration.

Consideration of the Bengal Provincial Civil Service (Executive) by the Public Services Commission.

*20. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether there is any likelihood of the Bengal Provincial Civil Service (Executive) coming in for the consideration of the Public Services Commission soon?

(*b*) Will the Hon'ble Member be pleased to state whether the Government have so far made any reference to the Public Services Commission with regard to the Bengal Civil Service (Executive), Bengal?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Not that I am aware.

(*b*) No.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to state whether the Government has decided not to refer the Bengal Provincial Civil Service (Executive) for the consideration of the Public Services Commission?

The Hon'ble Mr. A. N. MOBERLY: I do not think the question has been considered.

Recommendation of the Sadler Commission.

*21. **Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether he is aware that the question of carrying out the recommendations of the Sadler Commission and reconstituting the University is pending for a long time?

(*b*) Will the Hon'ble Minister be pleased to state whether he intends to introduce any legislation in this connection in the near future; if so, when?

(c) Will the Hon'ble Minister be pleased to state whether by the proposed legislation he intends only to reconstitute the Senate or to amend the whole of the old Act?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (a) Yes.

(b) and (c) It is hoped to introduce legislation dealing with secondary education during the present year. The form of the Bill is under consideration between the Government and the University.

Unstarred Questions

(answers to which were laid on the table).

Government Circulars about plucked students.

32. Maulvi KASIRUDDIN AHAMAD: (a) Is the Hon'ble Minister in charge of the Department of Education aware that the Director of Public Instruction, Bengal, has issued a Circular No. 21/38-15s-25, dated 7th May 1925, to all Government and aided secondary schools discouraging to keep boys for more than two years in any class of a secondary school who fail to obtain pass marks estimated according to the scale given in the Circular mentioned above?

(b) Will the Hon'ble Minister be pleased to lay on the table a statement showing the number of boys, class by class, with their ages in each Government and aided secondary school affected by the said Circular?

(c) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of either rescinding or modifying the said Circular?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (a) Yes.

(b) Figures are not available.

(c) Orders exist authorising Inspectors to make exceptions in all cases where special circumstances exist.

Maulvi KASIRUDDIN AHAMAD: Will the Hon'ble Minister in charge of Education be pleased to state whether the figures will be available at any time in the course of this Session?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I cannot say.

Maulvi KASIRUDDIN AHAMAD: Wherein lies the difficulty?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Even that I cannot say.

Improvement of irrigation in Malda.

33. Babu ROMES CHANDRA BACCHI: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the present District Magistrate of Malda submitted certain proposals to the Government for the improvement of irrigation in certain parts of the Malda district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the proposals?

(*c*) Will the Hon'ble Member be pleased to state whether those proposals have been considered by the Government?

(*d*) If so, what are the results?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Yes.

(*b*), (*c*) and (*d*) No definite proposals have as yet come before Government: Malda is a district which has only recently come under the Irrigation Department, and before concrete proposals can be made, it is necessary to study carefully the local conditions; money for these preliminary enquiries has been allotted some time ago.

Floods in the Contai subdivision.

34. Babu PROMOTHA NATH BANERJEE: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the Contai subdivision is always subject to floods for want of proper drainage?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take to prevent the recurrence of floods?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) Yes.

(*b*) The matter is under the consideration of Government, but the problem is a very large one.

Separation of Judicial and Executive functions.

35. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state what action, if any, has been taken for the separation of Judicial and Executive functions in Bengal since March, 1923?

(*b*) Has any steps been taken to give effect to the recommendation made in the Greaves' Committee Report on the separation of Judicial and Executive functions in Bengal?

(*c*) If no steps has been taken, will the Hon'ble Member be pleased to state whether any decision has been arrived at by the Government on this question and what steps, if any, it is in their contemplation to take?

The Hon'ble Mr. A. N. MOBERLY: (*a*), (*b*) and (*c*) The member is referred to the answer to a similar question put by Mr. Jogesh Chandra Gupta in the current session.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to state if the Government of Bengal have submitted any cut-and-dried scheme to the Government of India for the separation of the two functions?

The Hon'ble Mr. A. N. MOBERLY: I am not sure what is meant by a cut-and-dried scheme. A scheme was submitted.

Babu AKHIL CHANDRA DATTA: I mean a scheme recommending the separation.

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice of this. It was submitted in 1924.

Mr. A. C. BANERJEE: Was the Government's recommendation in favour or against the separation?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice of this also, because I do not remember the terms of the letter.

Babu JITENDRALAL BANNERJEE: There is a broad distinction between the two.

Kadua Math of the Howrah district.

38. Babu AMULYA CHANDRA DATTA: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the Kadua Math (field) of the Howrah district within the Amta basin covering an area of about 10 square miles is subject to inundation every year?

(*b*) What steps, if any, have been taken to prevent it?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) Yes.

(*b*) A scheme for regulating the drainage in this area has been sent to the Collector of Howrah to take proceedings under Act VI of 1920.

Names of the Bengal political prisoners and their present state of health.

37. Babu AMULYA CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the names of the Bengal political prisoners detained at the Mandalay Jail;

(*ii*) the present state of health of each of them;

(*iii*) the nature of the disease or diseases they are suffering from; and

(*iv*) what steps have been taken by the Government for their medical treatment?

(*b*) Are the Government considering the desirability of bringing them down to Calcutta for proper medical treatment?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*), (*i*), (*ii*) and (*iii*) Government are not prepared to publish this information.

(*iv*) The medical treatment of these prisoners is in the hands of the Government of Burma.

(*b*) Government are not considering such a proposal, as proper medical treatment is given to these prisoners in Burma, when they are ill.

Mr. A. C. BANERJEE: May I ask if it would be against the interests of the public or the interests of law and order if the information were published?

The Hon'ble Mr. A. N. MOBERLY: In answer to another question I have given a list of all the Bengali political prisoners in jail, but the information as to the exact places in which they are detained has never been given. It is against the public interest.

Mr. A. C. BANERJEE: May I ask, Sir, if the Government withholds the information because under their care the health of the détenus has become worse?

The Hon'ble Mr. A. N. MOBERLY: No.

Vehicular traffic in Dacca.

38. Nawab KHWAJA HABIBULLAH: (*a*) Is the Hon'ble Member in charge of the Police Department aware that the volume of traffic, especially vehicular traffic, in Dacca has of late gone up to a very great extent?

(*b*) Do the Government contemplate taking any steps for the proper regulation of traffic in the city?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) It has been reported that vehicular traffic in Dacca town is heavy and that motor traffic is on the increase.

(*b*) Proposals for the entertainment of a staff of traffic police are under the consideration of Government.

Mr. JOGESH CHANDRA GUPTA: May I ask for how long the proposal for the entertainment of a staff of traffic police has been under consideration, and for how long it is likely to be considered by Government?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice of this, I am afraid.

Provisions of the Mussalman Wakf Act in Bengal.

39. Khan Bahadur Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state when the Bengal Council by a resolution recommended to Government to give effect to the provisions of the Mussalman Wakf Act in Bengal?

(*b*) Will the Government be pleased to state whether effect has been given to the recommendation?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason why no action has been taken?

(*d*) When do Government propose to introduce the Act in Bengal?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) 17th August, 1925.

(*b*) to (*d*) A notification was published on 1st April, 1926, bringing the Act into force, but this has been infructuous because the rules under the Act were not framed before its introduction. Considerable difficulty was found in framing suitable rules, and it is hoped to publish these in final form very shortly.

Maulvi ABUL KASEM: Will it be news to the Government benches if I say that no notification was published on the 1st April, 1926? The notification is dated the 20th of February and was published on the 26th of February, 1926. The information supplied is not correct.

Transfer of Sagardighi thana from Lalbagh to Jangipur subdivision.

40. Khan Bahadur Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether representations have been made by the inhabitants of thana Mirzapur in the Jangipur subdivision of the Murshidabad district praying that portions of the old thana should not be amalgamated with thana Sagardighi in the Lalbagh subdivision?

(*b*) Is it a fact that the parts severed from Mirzapur are nearer the Jangipur courts?

(*c*) Is it a fact that there are greater facilities for the people there to go to Jangipur than to Lalbagh?

The Hon'ble Mr. A. N. MOBERLY: (*a*), (*b*) and (*c*) Representations were received from the inhabitants of 65 villages, which were amalgamated with Sagardighi police-station in Lalbagh subdivision on the abolition of Mirzapur police-station, praying that their villages should be transferred to the Jangipur subdivision as the distance of the headquarters of the Lalbagh subdivision from these villages was much greater than the headquarters of Jangipur. This appears to be correct, and their alternative prayer that the whole of Sagardighi thana should be transferred from the Lalbagh to the Jangipur subdivision is now under the consideration of Government.

Maktabs and tols in Bengal.

41. Rai JADUNATH MAZUMDAR Bahadur: Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*a*) the total number of (*i*) *maktabs*; and (*ii*) *tols* in the Presidency of Bengal outside the Calcutta Corporation;

(*b*) the total amount of grant both by Government and local bodies to these (*i*) *maktabs* and (*ii*) *tols*?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) (*i*) Number of *maktabs*—18,094.

(*ii*) Number of *tols*—665.

(*b*) Amount of grants given by Government and local bodies—

(*i*) *Maktabs*—Rs. 6,69,304.

(*ii*) *Tols*—Rs. 76,748.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of Education be pleased to state whether the intention of Government is to increase the number of *tols* and also to increase the amount of grants thereto.

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I must ask my friend to give me notice of this question.

Royal Botanic Garden.

42. Mr. RAZAUR RAHMAN KHAN: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table statement showing, for the last five years,—

(*i*) the average annual expenditure incurred for the maintenance of the (*a*) staff, and (*b*) garden of the Royal Botanic Garden; and

(*ii*) the average annual income from that garden?

(*b*) Is there any institution attached to the garden for instruction in economic or medical or botanical science?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) and (*ii*) A statement is laid on the library table for the information of the member.

(*b*) No.

Indianisation of the Calcutta Port Trust.

43. Srijut TARAKNATH MUKERJEA: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state how many Indians have been appointed as Probationary Assistant Traffic Superintendents of the Calcutta Port Commissioners since 1922?

(*b*) What are their present ranks?

(*c*) How many Indians have been appointed as Accountants and Assistant Accountants in the Calcutta Port Trust?

(*d*) What scheme has been adopted by the Calcutta Port Commissioners for the training and appointment of Indians as Harbour Masters and River Surveyors?

(*e*) What are the number of Indians now holding such posts?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) Three.

(*b*) Of the three, two are still in the service, each holding the rank of Assistant Superintendent, Traffic Department. One has been discharged, and the appointment of another in his place is now pending.

(*c*) One.

(*d*) No special scheme has been formulated for Indians in either branch of the service, but Indians are eligible for appointment as Assistant Harbour Masters, or Assistant River Surveyors, if they possess the necessary qualifications, which include, for the former posts, a Master Mariner's certificate.

(*e*) Nil.

Dr. PRAMATHANATH BANERJEA: Will the Hon'ble Member be pleased to state whether Government considers it desirable to Indianise these Services as far as possible?

The Hon'ble Mr. J. DONALD: Is that question in order, Sir?

Mr. PRESIDENT: What is your question, Dr. Banerjea?

Dr. PRAMATHANATH BANERJEA: Does the Government consider it desirable to Indianise these Services?

The Hon'ble Mr. J. DONALD: I think this is a matter of opinion. It is not asking for information.

Dr. PRAMATHANATH BANERJEA: It is not exactly a matter of opinion.

Mr. PRESIDENT: I disallow the question.

Silk Weaving Institute at Berhampore.

44. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state when the Silk Weaving Institute at Berhampore will be opened?

(*b*) Has the Hon'ble Minister considered the point that delay in opening the institute may cause damage to the plants and other accessories which have already been stocked there?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) It is hoped to open the school by the end of March or the beginning of April next.

(*b*) The work of erecting the machinery is in progress.

Girls' school in Murshidabad.

45. Maharaj Kumar SRIS CHANDRA NANDY: Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*i*) the number of the Government aided girls' schools (M. E. and L. P.) in the Murshidabad district;

(*ii*) the amount of aid received by each; and

(*iii*) the strength of staff in each?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: A statement corrected up to July, 1926, is laid on the table.

Statement referred to in the reply to Unstarred Question No. 45.

Serial No.	Name of schools.	Status.	Amount of grant received.	The strength of staff.
			Rs.	
1	L. M. S. Khagra Girls' School	L. P. ..	50	4 Teachers.
2	L. M. S. Gorabazar Girls' School ..	Do. ..	50	4 Ditto.
3	Bagdanga Hindu Girls' School	Do. ..	30	2 Ditto.
4	Gorabazar Girls' Maktab (No. I) ..	Do. ..	20	1 Teacher.
5	Gholla Girls' Maktab	Do. ..	14	2 Teachers.
6	Panchthupi Hindu Girls' School ..	Do. ..	6	1 Teacher.
7	Bhagirathpur Hindu Girls' School ..	Do. ..	12	2 Teachers.
8	Raghunathganj Hindu Girls' School ..	Do. ..	40	2 Ditto.
9	Mussalmanpara Girls' Maktab (No. II) ..	Do. ..	8	1 Teacher.
10	Ganti Jagannathsingh Girls' Maktab ..	Do. ..	16	1 Ditto.
11	Nimtita Brojogopi Girls' School ..	Do. ..	20	2 Teachers.

Middle vernacular and upper primary schools have not been included.

There is no middle English school in the district. The London Mission Society Girls' School at Berhampore though returned as a middle vernacular school teaches English also.

Surplus water in the paddy "abads" near Bhangore.

46. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the paddy *abads* lying on the north of Bhangore Canal in the district of the 24-Parganas remain submerged under water during the whole of the rainy season?

(*b*) Is it a fact that owing to this paddy crops cannot be grown there every year?

(*c*) Are the Government considering the desirability of ensuring the timely discharge of the surplus water?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) Yes.

(*b*) Yes.

(*c*) The present drainage facilities are inadequate owing to the silting up of the Bidyadhari: an enquiry is however being made to ascertain whether the area in question can be drained by some other river further east.

Registration office at Bhangore Bazar, 24-Parganas.

47. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Minister in charge of the Department of Education (Registration) aware that a new Registration Office has been started at Bhangore Bazar in the district of the 24-Parganas?

(*b*) Is the Hon'ble Minister aware of the fact that before the inauguration of this new Registration Office, the registration of Bhangore thana was being done at Sealdah Registration Office?

(*c*) Is the Hon'ble Minister aware that people living near about the latter Registration Office applied to the District Magistrate, to the Commissioner of the Presidency Division and also to the Inspector-General of Registration in order to sanction concurrent jurisdiction over both the said Registration Offices?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of sanctioning such concurrent jurisdiction?

MINISTER in charge of DEPARTMENT of EDUCATION (REGISTRATION) (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) Yes.

(*b*) Yes.

(c) and (d) Some petitions were received protesting against the opening of the new office, and also for making the jurisdiction of the new office concurrent with that of the Sealdah Registration Office. As the independent office at Bhangore proved more convenient to the public, and as it relieved the congestion of work at the Sealdah Office, Government cannot agree either to abolish the new office or to make it joint to Sealdah.

Local Board election of Gournadi Thana.

48. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (a) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that the Local Board election of Gournadi thana in the district of Bakarganj has been declared illegal by the authorities?

(b) Will the Hon'ble Minister be pleased to state whether it is the contemplation of the Government to order a fresh election?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (a) The Additional District Magistrate set aside the proceedings on account of an irregularity.

(b) No. Appointments have already been made.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state who was responsible for the irregularity with reference to the election of members to the Local Board from Gournadi thana?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I must ask for notice of this.

Rate of road cess fixed by District Boards.

49. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (a) Will the Hon'ble Minister in charge of the Department of the Local Self-Government be pleased to state whether the maximum rate of the road cess has been fixed by each and every District Board of Bengal for the year 1926-27?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state the names of the District Boards where there has been a variation?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (a) and (b) The Minister has no information but presumes that, as usual, every District Board has decided to fix the rate of road cess at the maximum allowed by law.

Point of order.

The Hon'ble President's Ruling.

Mr. PRESIDENT: I have an announcement to make.

I have examined the point as to the last date of sending notices of questions referred to in section 24 of the Bengal Legislative Council Rules and Standing Orders. It appears that such notices will be in time if they are sent in 15 days before the first day of the last unbroken series of meetings commencing on the 11th March next. The business of the Council may be over any day after that date. Hence the 15 days' notice must be calculated from the 11th March. Questions of which notices are received by the Secretary before 3 P.M. to-morrow, the 24th instant, will be dealt with in the usual way. Notice of questions already disallowed as out of date may be sent in again.

Maulvi ABUL KASEM: On a point of order, Sir. Where the dates of the meetings have been definitely stated, as has been done in the present case, even then we are not entitled to send questions if we calculate 15 days from the last date.

Mr. PRESIDENT: Well, I think what I have told you just now is clear enough; you have to follow the instructions which were given by me.

Motion for adjournment.

Rai HARENDRANATH CHAUDHURI: Sir, under section 81 of the Bengal Legislative Council Rules and Standing Orders, I beg leave of the House to move a motion for adjournment of the business of the Council.....

Mr. PRESIDENT: Will you kindly hand over your statement with my written consent?

(Statement handed over.)

Mr. PRESIDENT: Leave has been asked to move a motion for adjournment and it is up to the Council to signify as to whether permission should be given or not.

Maulvi ABUL KASEM: For what? It has not been stated.

Rai HARENDRANATH CHAUDHURI: I was going to state the object for the adjournment when I was interrupted by the President.

Mr. PRESIDENT: You had better state it; I thought you had done so.

Rai HARENDRANATH CHAUDHURI: Sir, I beg leave of the House to move a motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the recent hunger strike of the Bengal détenus in the Insein Jail, Burma.

Mr. PRESIDENT: I shall read out the motion:

"That the business of the Council do adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the recent hunger strike of the Bengal détenus in the Insein Jail, Burma."

Has the member the permission of the House to move it?

No one objecting, the Hon'ble the President fixed 5 o'clock for the discussion of the motion.

Point of order.

Babu JITENDRALAL BANNERJEE: Mr. President, may I ask you whether summons of attendance has been served upon every member of this House?

Mr. PRESIDENT: It has been sent to every member as usual.

Babu JITENDRALAL BANNERJEE: Sir, may I ask the Secretary, through you, whether summons of attendance has been served upon every member of this Legislative Council?

Mr. PRESIDENT: I understand that summonses are not served but issued by post.

Babu JITENDRALAL BANNERJEE: And may I ask you, Sir, as the custodian of the rights and privileges of this House, whether you have taken every step to ensure the attendance of every member of this Council?

Mr. PRESIDENT: I take it that, when summonses are issued the duty of the President, as well as of the officers of the Council, is fulfilled. We cannot either ensure or compel the attendance of any member.

Maulvi ABUL KASEM: May I ask, Sir, whether you, as the custodian of the dignity of this House, are prepared to remove obstacles in the way of any member attending your summons?

Mr. PRESIDENT: That question does not arise.

Babu JITENDRALAL BANNERJEE: Might I pursue my question and ask whether you, Sir, do or do not intend to establish a convention in this matter of ensuring the proper attendance of every member of this House?

Mr. PRESIDENT: You can very well leave that to the Chair.

Dr. KUMUD SANKAR RAY: Sir, is there any information from any member of this House regarding any obstacles placed in his way to prevent him from attending the meetings of this Council?

Mr. PRESIDENT: I am not prepared to answer a question like that. It serves no useful purpose.

Non-official business.

Resolutions

(on matters of general public interest).

(The discussion on the resolution regarding release of political prisoners was then resumed.)

Mr. PRESIDENT: Mr. Chatterjee, you are entitled to only 19 minutes to-day, because you have had already 11 minutes.

Srijut BEJAY KUMAR CHATTERJEE: Sir, as I said yesterday I shall not make my speech unnecessarily long by quoting instances of these tortures and oppression, but the cases of Sj. Subhas Chandra Bose and Jibanlal Chatterjee and Purna Chandra Das among others and the incidents of Insein Jail are enough to stagger humanity. Nobody can say—why such treatment that is meted out to them. Only one answer can be given to this. That is that our rulers concede to themselves the despotism and arbitrary power that is common to all despots of history. And, Sir, I am almost tempted to put the words of the notorious Warren Hastings in the mouth of these rulers, when he said, "Slaves I found them and as slaves I have treated them. I was despotic prince, despotic

governments are jealous, and the subjects prone to rebellion. This very proneness of the subject to shake off his allegiance exposes him to continual danger from his sovereign's jealousy; and this is consequent on the political state of Hindustanic governments. Despotism is the genuine constitution of India; that a disposition to rebellion in the subject, or dependent prince, is the necessary effect of this despotism; and that jealousy and its consequences naturally arise on the part of the sovereign; that the Government is everything, and the subject nothing." And I may be permitted to answer in the words of Edmund Burke, "that nothing is more false than that Despotism is the constitution of any country. But if it were, do you really think that the nation would bear, that the human creature would bear, to hear an English Governor defend himself on such principles? Or, if he can defend himself on such principles, is it possible to deny the conclusion, that no man in India has a security for anything, but by being totally independent of the British Government? Was there ever heard, or could it be ever conceived, that a governor would dare to heap up all the evil practices, all the cruelties, oppressions, extortions, of all the ferocious usurpers, that ever had office from one end of Asia to another, and consolidating all this mass of crimes and absurdities of barbarous domination into one code establish it as the whole duty of an English Governor? I believe that till this time so audacious a thing was never attempted by man.

"*He* have arbitrary power! Sir, the East India Company have not arbitrary power to give; the King has no arbitrary power to give; the Lords have not; nor the Commons; nor the whole legislature. Because arbitrary power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas, and all our sensations antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

"This great law does not arise from our conventions, or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have; it does not arise from our vail institutions. Every good gift is of God; all power is of God; and *He*, Who has given the power, and from Whom alone it originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. If then all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him that gave it, with which no human authority can dispense; neither he that exercises it, nor even those who are subject to it. Therefore can it be imagined, —if this be true, that He will suffer this great gift of Government, the

greatest, the best, that was ever given by God to makind to be the plaything, and the sport of the feeble will of a man, who, by a blasphemous, absurd, and petulant usurpation would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and Justice?

"No, Sir, this arbitrary power is not to be had by conquest. Nor can any sovereign have it by succession, for no man can succeed to fraud, repine, and violence; neither by compact, covenant, or submission; for men cannot covenant themselves out of their rights and their duties; nor by any other means can arbitrary power be conveyed to any man. Those who give to others such rights, perform acts that are void as they are given, good indeed and valid only as tending to subject themselves and those who act with them to the Divine displeasure; because morally there can be no such power. Those who give and those who receive arbitrary powers are alike criminal; and there is no man but is bound to resist it to the best of his power, wherever it shall shew its face to the world. It is a crime to bear it when it can be rationally shaken off. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability. And, Sir, law and arbitrary power are in eternal enmity. Sir, it is contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have any arbitrary power. To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subjects. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute *will* in the place of it is an enemy to God. No man, therefore, has a right to arbitrary power. The arbitrary acts which are unpunished are not the less vicious, though none but God, the conscience, and the opinions of mankind take cognizance of them.

"We know, as we are to be served by men, that the persons who serve us must be tried as men, and with a large allowance indeed to human infirmity and human error. This Sir, we knew, and we weighed before we came before this House. But the acts of omission and commission which I mention here are not lapses, defects, errors, of common human frailty, which as we know and feel, we can allow for. We charge him with no actions that have not arisen from passions which it is criminal to harbour, with no offences, that have not their root in pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness of heart, dyed, ingrained with malice, vitiated, corrupted, gangrened to the very core. We urge no offences that are not offences of forethought and have not been committed upon deliberation."

And I cannot conclude my speech without giving a note of warning to the Government. I do so, Sir, because, as I have said before I owe a

duty towards the Crown. Sir, the Government cannot defy laws of justice and morality for all time to come. It can defy the Indians, it can defy humanity, it can defy morality for sometime only. But a time will surely come when it will have to pay for its past sins. For there is a Higher Power which rules the world, and the Almighty will surely extend His helping hand to the poor Indians. And I may be permitted to quote the words of an immortal Bengali poet when he, in his inimitable style, appealed to the Government by saying:—

"Do not disobey the tenets of morality, because the strength of the Governments lies in the happiness of the people. Being the protector, be not the destroyer, as a kingdom cannot be permanent if based on injustice. The weak can not be trampled under foot with impunity, because the strength of the weak is the God himself. The sinful Asura named Kansa, the dynasty of the Jodus, the Solar and the Lunar dynasties have all gone to destruction, the Pathans and the Moghuls are all lying devoid of glory, all who have recourse to sinful ways are sure to fall down. In this ocean of time numerous powers rise and then disappear like bubbles in water. Think, what your position was before, and to what height you have ascended. It does not take long to have a fall":—

"নীতিবন্ধন ক'র না লঙ্ঘন, রাজশক্তি সার প্রজার রঞ্জন।
হইয়ে রক্ষক, হওনা ভক্ষক, অবিচারে রাজ্য থাকে না কখন।
অবাধে হবে না দুর্ব্বল দমন, দুর্ব্বলেরি বল নিত্য নিরঞ্জন।
পাপকংশাসুর, যদুবংশদল, চন্দ্রসূর্য্যবংশ গেছে রসাতল,
গৌরববিহীন পাঠান মোগল, হয় পাপ পথে সবারি পতন।
কালজলধিতে জলবিম্ব প্রায়, উঠে কত শক্তি কত মিশে যায়,
তোমরা কি ছিলে উঠেছ কোথায়! আবার পতনে লাগে কতক্ষণ"

The Hon'ble Mr. A. N. MOBERLY: I wish, Sir, to intervene in this debate at an early stage in order again to state the policy of Government and to give some reasons for it. I hope to have a later opportunity of answering points which later speakers may make.

The policy of Government in regard to the release of the persons detained under Regulation III and the Bengal Criminal Law Amendment Act, 1925, was defined by His Excellency the Viceroy on 24th January, 1927, in the following words:—

"Before release can be sanctioned the Government must be satisfied either that the conspiracy has been so far suppressed that those set at liberty, even if they so desired, would be unable to revive it in

dangerous form, or if the organisation for conspiracy still exists that those released would no longer wish to employ their freedom to resume their dangerous activities. The Government have always made it clear, and I repeat to-day that their sole object in keeping any man under restraint is to prevent terrorist outrages, and that they are prepared to release them the moment they are satisfied that their release would not defeat this object."

In examining the situation with reference to the first point, the existence or suppression of the conspiracy, I labour under the very serious disadvantage that I am not able to make use of the bulk of the information in my possession because of the danger in which it would involve the persons from whom it is derived. The story of the old conspiracy as set forth in the Rowlatt Committee's report contains numerous examples of the fate of persons who were suspected of having given information to the police, and a more recent case is that of Santi Lal Chakravarti. This man was not an informer, but was put on his trial for complicity in the Mirzapore Street Bomb outrage in 1924. After his acquittal he was murdered because he was suspected of having made a statement to the police.

I should like at this point to deal briefly in parenthesis with a charge which has more than once been made against the police—that they are in the habit of employing *agents provocateurs*. It is obvious that information about a secret organisation can be obtained only from persons who are or have been members of that organisation, whether they are détenus or at large. But it does not follow that such persons are *agents provocateurs*. An *agent provocateur* is a person who deliberately instigates other persons to do things in order that he may inform against them, and I most emphatically deny that any person of this kind has ever been employed by the police in Bengal. Apart from the immorality of such a course terrorist conspiracy is far too serious a matter to be trifled with, and the object of Government is to reclaim those who have leanings in that direction, not to add to their number.

I do not propose to recapitulate the circumstances which led this Government to apply to the Government of India first to make use of Regulation III of 1818, and then to promulgate an Ordinance, the provisions of which were subsequently included in the Bengal Criminal Law Amendment Act of 1925. They were set out in the resolutions which were issued at the time when the Ordinance was promulgated, and in Sir Hugh Stephenson's speech in this Council on the Criminal Law Amendment Bill. Since the Bengal Criminal Law Amendment Act became law there have been other episodes with which I will deal in a moment.

It is argued, however, that if the action taken in and since 1923 has not sufficed to put an end to the terrorist conspiracy, the measures have failed and should be abandoned, or the wrong persons have been detained and should be released. It is easy to answer this argument. Government never attempted to take action against every one whom they knew to be connected with the conspiracy, nor do they claim to know everyone who is connected with it. They did deal with those whom they knew to be leaders and with the most dangerous of the other members, and they do claim to have disorganised the conspiracy to a very great extent. Evidence of this fact is furnished by the lull which followed the action taken immediately after the promulgation of the Ordinance as compared with the succession of outrages during the preceding eighteen months. Some of those who were not arrested, however, soon began to organise again, and the results of their activities were brought to light in the finds of arms and explosives at Dakhineswar and in Calcutta. It was the persons who were convicted in the Dakhineswar case who were responsible for the brutal murder of Rai Bhupendra Nath Chatterji Bahadur in the Alipore Jail. The find of materials for the manufacture of explosives in Domjur, Howrah, last July, the find of loaded bombs in Chittagong last August and the find of revolvers and bombs ready for loading in Calcutta last month are outward signs that the conspiracy still exists and is still widespread. The following sample extracts from documents which have recently come into my hands will show the mentality of members of the terrorist organisation. The first is from a letter which was found in a house search in January:—

"Non-co-operation will not produce any good result now-a-days. The present condition of the country is not fit for that movement. The era that is coming is an era of bloodshed. That era is most terrible and you are the heroes of that age. Perhaps you can remain idle at the present moment, but a time will come when no one will be able to remain inactive. Therefore, I say prepare yourselves for that time. The day is near at hand. Acquire strength in your body, rid your mind of fear and awake the inner force within you. If freedom is ever achieved in India, it will come through bloodshed alone. India can never be independent without bloodshed. Why India alone, all dependent nations and countries have become independent, through the path of blood. Terror must be instilled into the minds of the people, they will have to be shown that the Bengalis know how to die for their country and to shed their blood for it. When this fact can be driven into the bones of the people then the country will blaze up in flames, such flames as none can extinguish."

Rai JADUNATH MAZUMDAR Bahadur: May I ask from whom this letter came?

The Hon'ble Mr. A. N. MOBERLY: The letter was signed "Prasad." I can show it to the honourable member.

Dr. BIDHAN CHANDRA ROY: May I ask, Sir, who is the writer of that letter?

The Hon'ble Mr. A. N. MOBERLY: May I also ask that I may not be interrupted while I am speaking?

Mr. PRESIDENT: If you like you may not answer that question.

The Hon'ble Mr. A. N. MOBERLY: The second extract is from a statement made by a person arrested under the Criminal Law Amendment Act within the last few weeks:—

"It is absolutely necessary that a 'rebellious spirit' should be fostered in the young men and they should be encouraged to take part in violence. Government would take drastic steps, but they should court the extreme measures of the Government to create anarchy and chaos in the country. * * * *

We thought of murdering a few informers and active C.I.D. officers, but that was not our ultimate aim. We were preparing the revolutionaries to take part in a general rising by guerilla warfare. We conspired for a simultaneous rising in all districts when the revolutionaries would attack the police lines, capture their guns, burn some police thanas and jails. We knew that information might leak out and so we did not give them any date, but were preparing them to take part in this rising when information would be sent to them. We thought of informing them a day or two earlier. People have got no history of a general rising or guerilla warfare in India, and so we thought of taking part in this."

Babu AKHIL CHANDRA DATTA: On a point of order, Sir. Is it in order for the Hon'ble Member to read before this House extracts from letters which we do not know where they have come from without giving the names of the writers of the letters and without giving us any information as to the circumstances under which they were written?

Mr. PRESIDENT: I think it is up to the Hon'ble Member to divulge the name or not. If he does not give the name it is up to you either to attach any importance to that statement or not.

Dr. BIDHAN CHANDRA ROY: When I was reading some extracts from a newspaper yesterday, you asked me whether I took the responsibility of the correctness of the statement. But here the Hon'ble Member is reading from some unknown documents obviously to prejudice the minds of the members.

Mr. PRESIDENT: I did not compel you to answer that question. I took it for granted that you took the responsibility for the same and I take it that the Hon'ble Member is also taking the responsibility for the correctness of the statements.

Babu AKHIL CHANDRA DATTA: Then, Sir, may we take it that in future we shall be at liberty to read documents like this without giving names and other particulars?

Mr. PRESIDENT: That depends upon the substance of the documents from which you read. In the present case I do not find anything objectionable to which I can reasonably take any exception.

Mr. A. C. BANERJEE: Is it not objectionable that members of this House should be.....

Mr. PRESIDENT: I think I have already decided that point and it is no good wasting the time of the Council on that particular point.

The Hon'ble Mr. A. N. MOBERLY: I would mention, Sir, that this is not a letter but it is a statement. I have mentioned the signature on the letter from which I have read.

"We know that Government would post military, oppress the innocent and hang many men and eventually crush the movement, but still we ventured to bring it upon the country as the people would get some precedent to take part in this in future. Men become more bold by failures and oppressions and we wanted to create an atmosphere when people would be killed by hundreds. We wanted to see the blood of our countrymen flowing by torrents. * * * *

"Secret organisations have been formed in every district, in many subdivisions and in the villages. There is a Central Committee in Calcutta which guides these district organisations and supplies them with books and arms.

"All the revolutionaries are taught these blood-thirsty ideas, their utter helplessness, futility of open organisations, and about their extinction if they do not rise up immediately."

The third extract is taken from the report by a European police officer of a conversation with another terrorist who was arrested at about the same time last month.

Babu AKHIL CHANDRA DATTA: May we know the name of the police officer and the name of the man with whom he had that conversation?

Mr. PRESIDENT: It is up to the Hon'ble Member to answer that question if he chooses to do so.

The Hon'ble Mr. A. N. MOBERLY: The name of the police officer is Mr. Mills.

"His sole regret was that he had not had an opportunity of killing some police officer so that he might have sacrificed his own life for the good of the country. He would have considered it an honour to go to the scaffold; he realised that it was impossible to drive the British out of the country, nor was he anxious that they should be driven out until the country was ready to rule itself and life could be put into the lifeless bodies of the Indians. This metamorphosis could only be brought about by creating a 'rebellious spirit' in the country, and this rebellious spirit could only be cultivated by martyrdom such as that of Kanai Lal and Gopi Shaha. Their death, he said, had in each case resulted in an amazing impetus to the revolutionary movement. If he had had a bomb in his possession in the jail he would quite cheerfully have thrown it at me not as an Englishman, with whom he had no quarrel *qua* Englishman, but as an official and a police officer. He warned me that there were numbers of others to take up the work where he had left off."

Now I would ask the members of this Council through you, Sir, if they consider that the facts which I have set forth are such as would justify Government in coming to the conclusion that the conspiracy has been so far suppressed that it would be impossible for the former leaders to revive it in dangerous form even if they so desired? I think there can only be one answer—the conspiracy is there, the materials are there. Though it has still not fully recovered from its disorganisation, recruitment and organisation are steadily going on. With the old leaders back again it could, if they wished, speedily be revived in its most dangerous form.

I now come to the second point in His Excellency the Viceroy's speech which re-states exactly what has always been the policy of this Government. Government do not desire to keep any person under restraint a moment longer than they can help, but before they release him they

must be satisfied that there is no longer any danger that he will employ his freedom in taking part in the terrorist movement. In practice the procedure usually followed is that when there are reasons to hope that a détenu who is in jail will abstain from furthering the terrorist movement he is domiciled in a village under less rigid conditions of restraint. If his actions while in domicile confirm this belief, he is transferred to his home, and if he still abstains from terrorist activities and his attitude indicates that he will continue to do so he is released from restraint. Already less than half of the persons who have been dealt with under the Regulation and the Criminal Law Amendment Act are detained in jail. There, are, however, sometimes difficulties in taking the second and subsequent steps when a détenu's home is at a place where a branch of the terrorist organisation is in existence, as, however good his intentions may be, he naturally has difficulty in breaking away from his former associates who are inclined to press him to rejoin them and to take his place among them as a leader, whilst a man who is less determined to abandon the conspiracy would find himself hailed as the leader of an active group. It is here that the leaders of public opinion can assist, if they will.....

Rai HARENDRANATH CHAUDHURI: Without knowing facts?

Babu AKHIL CHANDRA DATTA: Take us into confidence.

The Hon'ble Mr. A. N. MOBERLY: And I would most earnestly appeal through you, Sir, to all members of this Council and to all who may read these words and, above all, to the press, to help Government to move more rapidly in the direction of releasing the political prisoners than has hitherto been possible by creating an atmosphere in which it will be safe to release them. Hitherto there have been many speeches and much writing in which stress has been laid upon the patriotism, and the unselfishness of the détenus and upon their sufferings in their country's cause. What impression it was intended to make by those speeches and writings I cannot say, but the impression that is actually made is that these men are heroes and patriots and that they are held up as examples to be followed. (A voice—"You have made them martyrs.") Whatever may be the intention of the authors such speeches and writings do in fact constitute most effective propaganda for recruitment to the terrorist organisation and they do a great deal to keep it alive. I am not asking that it should be suggested that any one has acted as he has for any reason except that he thought that it would advance his country's cause. What I do urge is that the leaders of public opinion and the press should unreservedly condemn the methods of terrorism, the cult of the revolver and the bomb, murder and dacoity, even though the object be political. I do

not ask that the patriotism and enthusiasm of these men should be belittled. But I do ask those whose convictions will permit them to do so to stress the fact that in employing methods of terrorism these men are misguided and are misapplying their talents; that far from advancing the cause of their country they are retarding it.

I know that there are some who believe that the pronouncement of constitutional advance which was made in 1917 was extorted by the success of the former terrorist conspiracy; this is abundantly clear from the writings of the old revolutionaries. Such persons may believe that no further advance will be secured except by similar methods. But I do not think that they can complain if Government takes measures to counter the methods which they advocate; all Governments are bound to accept and meet the challenge of violent coercion. (A voice—"If the Government can.") I should like to make it clear that in relaxing restraint in individual cases Government are far more concerned with the present attitude of a détenu than with his past record. I would reiterate and emphasise that detention in jail is not resorted to in these cases as a punishment for any crime which a person may be believed to have committed—punishment for crime is solely a matter for the Courts—the detention is purely preventive, and the sole criterion on which relaxation from restraint is considered is whether such relaxation would be likely to tend to lend fresh strength to the terrorist organisation or not. What a person may have done in the past is immaterial if Government are satisfied about the future.

I come now to the charges which have been made in the press that their treatment in jail has led to the general deterioration of the health of the détenus. Government have not answered these charges publicly, because they feel that a person's infirmities are not a fit subject for public discussion, but they have always been prepared to give full information to the relations of any détenu. They regret the necessity for detaining persons in jail, and they fully realise that such detention is not an ideal condition for health. At the same time, the health of the persons so detained is anxiously watched by medical officers and everything possible is done to treat them if they fall ill. I may instance cases in which operations have been performed by specialists and specialist advice as to eyesight and other ailments has been given. Long lists of ailments have been published in the press from time to time, but I would ask you, Sir, who can claim immunity from such troubles as toothache, dyspepsia, fever or constipation? (A voice—"Or consumption.") We are told of cases of loss of weight, but I find that out of 74 persons detained in jail of whose weights we have recent records 57 now weigh as much as or more than they did at the time of admission. (A voice—"Therefore the rest must lose weight.") Take an average sample of 180 young men in Bengal, and what is the average

mortality? Of the persons dealt with under the Regulation and the Criminal Law Amendment Act not one has died from natural causes. One committed suicide, but the cause was neither failing health nor ill-treatment in jail.

I have, I hope, made it clear that Government deplore the necessity of keeping these persons under restraint and have no desire to detain them a moment longer than is necessary to prevent terrorist outrages. But the situation in Bengal is not yet such that the leaders can be released again to take their places at the head of the terrorist conspiracy which is far from extinct. The prospects of expediting the relaxation of restraint will be very greatly improved if the young men who organise and join the terrorist groups can be made to feel that the public condemn their policy, and that they are hindering rather than helping the advancement of their country; and I would once more appeal most earnestly to the leaders of public opinion to create an atmosphere hostile to terrorism in which releases can be made more rapidly and safely.

Mr. PRESIDENT: Before we proceed any further I would point out that resolutions Nos. 8, 47, 55, 67 and 74 are analogous and they need not therefore be moved and the fate of each of these resolutions will depend upon the fate of the resolution that we are now discussing but I will give the movers of the resolutions an opportunity of speaking on the present resolution if they so desire and if they can catch my eye.

(At this stage the Council was adjourned for 10 minutes.)

[After the adjournment.]

Rai JADUNATH MAZUMDAR Bahadur: Sir, the matter under discussion is so very serious that I do not think that I should give a silent vote in its favour without speaking out what is running in my mind. I can without hesitation claim to have fought all my life on the side of law and order and still I cannot justify these detentions of our young men without trial for an indefinite time. I fully agree with the Hon'ble Mr. Moberly that public opinion in this country—or at least in this province—should range itself on the side of law and order, and the leaders of public opinion and the newspapers should lend their support, their influential support, to the preservation of law and order. I appeal to all honourable gentlemen in this House and to all leaders of public opinion outside this House to respond to that appeal, but I do not believe that there is any one in this House, or any responsible leader outside this House, who has arrayed himself against law and

order in this country. It is one thing to fight on the side of law and order, and it is another thing to approve of detentions without trial of persons only under suspicion. I think the best rule that the Government benches can apply in such cases is to apply the golden rule which asks you to put yourselves in the position of those with whom you are dealing, or, in other words, to do to others as you would others do to you. I would respectfully ask the Honourable Members in charge of the departments of law and order whether any one of them would himself like to be put into confinement without any trial: I do not think he would; despite even the honest conviction of his persecutor or prosecutor—howsoever highly he may be placed—he may be the Viceroy, or the Secretary of State, or the King-Emperor himself—who might on *ex parte* evidence come to a decision as to the guilt of any particular person. I would ask most respectfully the Government benches whether any one of them would like, on the testimony either of Lord Lytton, or of Lord Reading, or of Lord Birkenhead, to be put into confinement without trial for an indefinite time? (Hear, hear.) If they do not themselves agree to abide by the decision of these highly-placed administrators, would it be fair, would it be right, to place others in confinement on the same sort of testimony?

Now, Sir, what is the complaint against these people? It is that they have been conspiring against Government, that they have been preaching sedition, that they are leaders who have lots of persons under them to foment sedition and to commit diabolical murders and all sorts of lawless acts, with the object of attaining freedom or independence for this country. I agree with the Government that howsoever plausible the object may be that object cannot be and should not be attained by methods which are not moral and which, therefore, cannot be justified. For neither independence of the country, nor any other good object, should be achieved by immoral methods, *e.g.*, stabbing persons secretly or setting fire to houses or throwing bombs: one should not have recourse to these methods under any circumstances, whatever the object might be. The question, therefore, is whether those persons who have been detained are really guilty of those crimes. Then, Sir, under the ordinary criminal law the prosecution is bound to prove to the satisfaction of the court that an accused is really guilty, and he is presumed to be innocent unless the contrary is proved. If that is so, then it is for the Government to prove that these persons are really guilty. The Government say that they will not bring their proofs before the public: they say that they have got proofs but these proofs, even according to them, consist mostly of so-called confessions before police officers, which are not admissible in law, and statements of accomplices, which, unless corroborated in material points are also not admissible in law. Sir, if facts which are in-admissible in law are considered admissible by eminent lawyers like Lord Reading, then there is no hope for this

country. Why should there be one law in the case of these détenus and another law in the case of other persons who are charged with more heinous crimes, and even *badmashes* who are charged under the bad-livelihood sections of the Criminal Procedure Code? They are allowed to defend themselves and in their case the proofs are made public: the accused have also the right of cross-examining witnesses. Suppose, Sir, that an informer gives information to Government that so and so, member of this Council, has been conspiring against Goervnment—let that informer be very highly-placed, let him be a very trusted man of Government—will Government be justified in arresting a member of this House immediately and sending him to Mandalay or Insein on the strength of that information? The Government may be satisfied with that sort of evidence, but the public are not. And that is why from one end of Bengal to the other, or rather from one end of India to the other, the press, daily and weekly, English and vernacular, are crying shame upon Government. If the Government had brought these persons to open trial, I am sure they would have been found not guilty by any judge or jury. Sir, this is the complaint against Government and what is their answer? It is: "We are the custodians of peace and order in this country; we find that we cannot run the administration, or the machinery of Government, without imprisoning these people, and therefore we have found it necessary to imprison them. Whenever we let loose these persons, we find a recrudence of anarchical crimes, and whenever we put they into jail we no longer hear of those crimes." That is their reason: that is their logic. But, Sir, I would ask Government that if we find that shortly after the murder of a certain Anglo-Indian, or European, gentleman named Mr. Day on a street in Calcutta lots of persons in Bengal were put under arrest, at first under Regulation III (A voice: Question!) Another voice: On what theme is the honourable gentleman talking?) You cannot hear me: come nearer and you will be able to hear better, or use an audiphone. What I am saying is this: that the Government has no justification to detain these people. (Hear, hear.) Have you now heard me?

Mr. PRESIDENT: Order, order.

Rai JADUNATH MAZUMDAR Bahadur: And I say that the excuse that the Government brings forward on every occasion for not bringing these men into trial is a lame excuse. That the arguments that Government have brought forward and are bringing forward do not convince the public. And that is why disloyal and seditious feelings are so prevalent throughout the country charging Government with unjust and wrongful detentions of these persons.

Now, Sir, we know that lots of persons charged with sedition, as in the Dakhineswar case, have been tried without any difficulty and

that people have come forward to give evidence against the accused in such cases. If there is any evidence against these detained persons and if they are convicted after an open trial in a court of law, and if they are allowed the right and opportunity of cross-examining the witnesses who depose against them, then nobody will have any cause for complaint. We are often told that witnesses are not forthcoming and that Government are not able to afford protection to those who depose against these détenus; but how have the Government been able to secure conviction in lots of cases in which informers have come forward and in which witnesses have not been wanting? I ask if it was possible to secure conviction in the Dakhineswar and other cases, why should it be impossible to secure conviction either against Mr. Subhas Chandra Bose or any other person, high or low? The Evidence Act does not ask for any extraordinary sort of evidence from the prosecution. It only says that if a prudent man under the circumstances of the case believes the facts to be true then he may act on that belief. If the Judges also proceed in the same manner like prudent men, the accused may be convicted. There is no difficulty about that. The difficulty is this that Government wants a different method by which to judge persons. Ordinarily a confession before a police officer is not admissible in evidence. Here, however, the Government says that they will act on such confession. If the Government act on the confession before a police officer, why should not the Evidence Law be amended to that effect and applied to all persons, détenus and non-détenus? Then there is another thing, *viz.*, the statement of an accomplice unless corroborated in material points is not admissible in evidence, although a conviction on it may not be illegal; no jury or Judge will however convict a person on the uncorroborated testimony of an accomplice. That is the established law in this country. If that law is not satisfactory, why should not the Government amend it?

(At this stage the member reached the time limit and had to resume his seat.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I cannot allow an occasion like this to slip past, without expressing fearlessly and frankly my view on what may be considered the question of the day the release of Bengal political détenus. In all such matters, what I think is most needed, is to view things dispassionately, to keep a cool head so as to come to a calm judgment. There is not the least doubt that the political froth and foam that has surrounded the question has hindered, rather than facilitated, the situation. If the people were to keep their heads on their shoulders to use a hackneyed phrase I feel that the weight of such sober influence would actuate the authorities more than all these rabid things we see displayed with black headlines in our dailies.

Now, Sir, what is the position, when surveyed calmly and dispassionately? There are about 150 persons—if my calculation based on common belief be correct—detained and deprived of free egress and ingress, because the Government feel that their detention is for the safety of the realm. Some of them are the best and wisest of the land, others are of a more mediocre position, all of them under the belief, wrong or otherwise, that by their political activities, they will free India for foreign rule and bring in the much desired end—Swaraj.

On both sides we find laudable intentions, the one side inspired with the idea of freedom for their motherland, the other side jealousy watching the safety of the realm.

The one thing that may be thrust in, and which serves to display a very ugly state of things, is that these men are denied the very inherent right of all men—the right of open trial. Deny the right of trial to men, and you open the flood-gates of criticism and suspicion and even open condemnation. Government reply that if a trial were granted, the lives of their witnesses and informers would be endangered. There is much to be said on both sides; and I do not propose to go over the old ground of barren controversy.

I wish to cleave for myself a new path that may open new avenues for reflection. For every crime, political or otherwise in the Indian Penal Code, a fixed time is always allotted for punishment. Even the taker of human life, if imprisoned, has his sentence of life-imprisonment reckoned at ten or twenty years. Here we have political détenus, whose only crime is that they have had a mistaken view of liberty and enfranchisement, confined without any time set apart for their detention. I hold that that is a matter that calls for serious criticism. If a man be deprived of his liberty a time should be set apart, a year, two years or three; but it is beyond all conscience, all bounds of reason, to keep a man confined to "the last syllable of his life". These are things worthy of a Louis of France, with the Bastille and all its horrors.

The English Government have always asserted itself to be benign and a sympathetic Government. Some of these men have now been confined for over two years, others of less periods. Let there now be a master touch of mercy by the Government. Release these men, give them their freedom. Let us, on both sides, start with a clean slate and let us write on it with a clean pencil, free of rancour and hate.

If the Government reply that it is for the safety of the realm that these men should continue to be confined, I say it is the greatest condemnation of British rule in India, if the Government feel that after 150 years of good government, they fear for their own safety

and the safety of the Empire, if 150 political prisoners, most of them young men, are released. Surely the British Government in India is built on firmer foundation and should scorn to think that their future is endangered in India if 150 firebrands granted that they are of the worst type—are set free.

I appeal then, Sir, as a sober-minded man, one who has an intense love and regard for Constitutional Government as established in India, to show mercy and thereby rid for ever the country of the foul political atmosphere that is enveloping the land, in the miasma of hatred and evil-doing. India is on the road, through the Reforms, to a stable future of enfranchisement and liberation. These things are blocks and bars that stand in the way, cast them aside and the road is clear before us.

I appeal, then, as one imbued with the true instance of an Indian, and as one devoted to the highest interests of the Government as found in the land; and, I trust my appeal will not fall upon deaf ears.

Maharaja JOGINDRA NATH RAY of Nator: Mr. President, Sir, in rising to support this motion, I would like to make a few observations. I yield to none in my respect for law and order: for law and order are the primary conditions which contribute towards the maintenance of a stable government. And if truth need be said, law and order have gained a firm footing in India only after the advent of the British rule. Century after century have witnessed nothing but apology of law—and so far as order was concerned it was not in the order of things.

But, Sir, with due deference to British justice, it must be said that the incarceration of so many of our countrymen incarceration without even the semblance of a public trial reflects nothing but disgraceful discredit on a system of Government which has been and is still the pride and envy of the civilized world.

In the name of justice, let those poor persons who are locked behind the prison bars, I say, let them have an opportunity of defending themselves in a public trial. And after that, if they are found guilty, let the law of the land come down upon them with all the rigour at its command. In that case, Sir, I am more than confident that not even the dearest and nearest relations of those misguided men will have the slightest cause for complaint.

If, however, Sir, for reasons of State public trials be out of the question, those of us who are not conversant with the intricate mechanism of the State have no other alternative than to record our most emphatic protest against such miserable measures.

Sir ABD-UR-RAHIM: In a matter of this importance I should not like to vote without stating our position clearly. There can be no doubt, from what the Hon'ble Mr. Moberly has stated, that a terrorist conspiracy still exists. If that be so, I do not think that it would be advisable to release all the détenus without a very careful examination of their cases. There can be no one in this House who is so anxious as we are that the interests of peace and order in the country should be maintained. That is the first function of Government, and we certainly would not like to deprive the Government of all powers necessary for maintaining peace and order. On the other hand it is also clear that the ordinary processes of law ought to be enforced in maintaining law and order; that is to say, the normal procedure of the courts ought not to be departed from unless there are very strong reasons for doing so. At the same time we as practical men with a knowledge of affairs have to admit that special circumstances may require and do require special remedies; that is to say if the crime is of such a nature that it cannot be detected without special measures for instance in regard to a terrorist movement whose very life is secrecy we have got to apply measures which are very different from the ordinary law. That being so, I, speaking for those who are acting with me, say definitely that we do not want, so long as the terrorist conspiracy exists, to deprive the Government of these weapons with which alone they can fight such conspiracies. At the same time I must make clear to the Government that the general Muslim public opinion is opposed to the indefinite detention of men without trial. (Hear, hear.) The other day at Delhi I participated in the deliberations of the Muslim League as you know it represents the whole of India and there we came to the unanimous and definite conclusion that the Government of Bengal is not justified in detaining persons without trial. (Hear, hear.) There is, therefore, this situation to be considered. The terrorist conspiracy no doubt has to be met with; at the same time Government has to take note of public opinion in this country. I entirely agree with the Hon'ble Member in charge of the Police Department that public opinion ought to be enlisted against conspiracies of this nature. There can be no doubt about that, but if we have to enlist public opinion in favour of such measures we have also to consider public opinion as regards the cases of persons who have been detained for a long time and in spite of whose detention the conspiracy still exists. Therefore the position we have taken up is this that while we join in making.....

Mr. PRESIDENT: Sir Abd-ur-Rahim, I am afraid I cannot allow you to go on as I have to take up the motion for the adjournment of this House at 5 o'clock and that time has now reached.

Point of order.

Rai HARENDRANATH CHAUDHURI : May I rise to a point of order first of all? Am I to understand that there will be no voting on this resolution at all if I move my motion for adjournment?

Mr. PRESIDENT : By moving your motion you do not forfeit the right of putting this resolution to vote; but, all the same I shall have to look into the matter carefully as I am not sure whether a resolution can be talked out or not. I shall let you know after the adjournment at 6 o'clock as to whether I shall put the resolution to vote or declare it to have been talked out.

Rai HARENDRANATH CHAUDHURI : Sir, in view of the statement made by you I wish further to be enlightened on another point. If there is no chance of this resolution being put to vote, then I would rather prefer not to move my motion for adjournment at all. It is an important resolution.....

Mr. PRESIDENT : It depends on you. If you do not want to move your motion for adjournment, I should certainly continue the debate on the resolution. In that case you have got to ask leave of the House to withdraw your motion.

Rai HARENDRANATH CHAUDHURI : The position is not clear. I am inclined to move my motion of course, if there is only a possibility. .. ...

Mr. PRESIDENT : Then, you had better do it.

Rai HARENDRANATH CHAUDHURI : Sir, in view of the fact that there is much uncertainty as regards your position regarding the point that has been raised before the House as to whether the resolution could be put to the vote after the motion for adjournment has been disposed of, then I feel I am bound not to move my motion for adjournment. I, therefore, ask leave of the House to withdraw it.

The motion for adjournment of the House was then, by leave of the Council, withdrawn.

The discussion on the resolution regarding the release of political prisoners was then resumed.

Sir ABDUR-RAHIM : Sir, I was dealing with the question as to the amount of attention which the Government ought to pay to public opinion in this matter. I must tell the hon'ble members that before the subject committee of the All-India Muslim League I placed fully the case of the Bengal Government so far as I knew it. I

placed all the facts which had induced the Bengal Government to take these special measures. It cannot be said therefore that the Muslim League was without the necessary information. Inspite of that they expressed an unanimous opinion that the Bengal Government is not justified in detaining persons who are suspected of complicity in this conspiracy as long as they like. They held that it was not merely a local question. It was not a question for Bengal alone but it was a question of principle and policy which concerned the whole of India. Therefore the League considered itself perfectly justified in dealing with it as an All-India question.

Now, I come to the merits of the question. The Government might be feeling that there would be risk in releasing some of the leaders who have been detained for a long time, since practically the inception of the Act. On the other hand there is this consideration that they have been watching them in the places where they are detained and after a lapse of two years or thereabouts they ought to have been in a position to cut off whatever connection there was between them and the conspiracy. Furthermore if such détenus are released, they will be now in a much better position than they were before in watching their movements; and surely if the police are efficient there would indeed be very little risk of these alleged leaders again taking charge of the movement. There is the further consideration that inspite of the detention of these men the conspiracy is still going on according to the case of Government. If that be so, then the case for releasing at least those who have been detained for a very long time is all the more strengthened. Even if there are some risk Government have to take that risk for some time. They must try to prevent the fruition of that risk but no Government can say that they are going to obviate altogether the risk for that sort of crime by taking these particular measures. You have got to balance the position, on the whole. When the Government knows that public opinion is so strong with regard to this matter I think it is advisable for Government to take it into consideration and do its best to act according to that opinion. The resolution is in general terms, but we do not think so far as we are concerned after having heard the statement of the Hon'ble Member-in-charge that it will be in the interests of peace and order or in the interests of the country generally, to insist on Government releasing every one who has been detained hitherto. We confine ourselves to the case of persons who have been detained long enough for Government to be able to control their movements afterwards. We will vote for the resolution as it is merely a recommendation, but we make our position clear that we make a definite recommendation only in the case of persons who have been detained for a long time.

Maharaj Kumar SRIS CHANDRA NANDY: I am quite in agreement with the mover of the resolution that the subject relating to

the early release of the détenus is above the range of controversy or party strife. It is a matter in which we all feel very keenly and the agitation for the release of those who have been detained under Regulation III and the Criminal Law Amendment Act gains volume and intensity as time passes by. The subject has been discussed threadbare and I do not want to repeat the arguments which have been advanced for vindicating in the case of détenus those rights which are jealously guarded by English constitution. Suffice it to say that it is a principle open to strong objection that persons should remain in internment for an indefinite period and that the right of open trial should not be conceded to them. Sir, even the meanest criminal condemned to imprisonment knows when his period of detention will come to an end and looks forward to his future with happy imagination but that is denied in the case of détenus who look to their future with blank despair. As it is, it tells upon their health. Sir, sick heart reacts upon the health and we hear of the serious breakdown of the health in the case not of a few internees but the majority of them. We are all for the maintenance of law and order and prepared to help the Government in their task but at the same time it must be said that too much should not be made use of this plea for keeping persons indefinitely without trial. I trust Government will mend their attitude, regard being had to the strength of public opinion and the perilous state of the health of Mr. Subhas Chandra Bose. Sir, it will be a graceful act if steps be taken for their release and the internees are restored to their near relations. This will have a very salutary effect upon the present situation and relieve to a great extent the rigours of the present circumstances.

Babu AKHIL CHANDRA DATTA: Sir, in supporting this resolution I shall confine myself only to one or two aspects of the question. The universal feeling amongst us is this: that this ordinance under which so many arrests have been made is an ordinance which was really directed against the Swaraj party. In support of this contention I shall refer to certain facts. It is now well-known that although arrests were made—at least some of them—on the 25th October, as a matter of fact the warrants were signed and issued on the 28th of August, that is, two months before arrests were actually effected.

The Hon'ble Mr. A. N. MOBERLY: Sir, it has been mentioned that the warrants were issued on the 28th of August. I may mention that we applied to the Government of India for warrants several days before the 28th of August.

Dr. J. M. DAS GUPTA: Is it not a fact that 28th of August was the day after the defeat of the Government on the question of the Ministers' salaries?

Babu AKHIL CHANDRA DATTA: It is, therefore, now admitted by the Hon'ble Mr. Moberly that the warrants of arrest were actually issued on the 28th August. Whatever may be the merits of his reply on other points, it is now admitted that they were signed on the 28th August. Then, Sir, it becomes very instructive and interesting to enquire as to what happened in the last week of August for that drastic step to be taken. I need not remind the House that it was on the 26th of August that the Hon'ble Mr. Donald moved this House for a reconsideration of the question of Ministers' salary which had already been disallowed on the 24th March.

The Hon'ble Mr. A. N. MOBERLY: Here again I would mention that I do not know when the warrants were signed, but they were applied for before the 28th August.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. The Hon'ble Member-in-charge has got a right of reply, and yet he is interrupting in the midst of a speech, whereas he himself resents interference.

Mr. PRESIDENT: He has got to answer important questions put to him.

Mr. J. M. SEN GUPTA: Is it not the practice in the House of Commons and also in this Council that unless the speaker, who is in possession of the House, gives way, the question cannot be answered?

Mr. PRESIDENT: I think you are right, but I gave the Hon'ble Member permission to answer the question as it appeared to me that there was a pause after it was put. When an important question has been put, do you mean to say that the Hon'ble Member to whom it is put is not entitled to answer that question even with the permission of the Chair? I think he is. I would ask Babu Akhil Chandra Datta to go on.

Babu AKHIL CHANDRA DATTA: Now, Sir, it is admitted that the wararnts of arrest were signed on the 28th August. It is not for the first time that this statement is being made—this statement was made by Mr. Goswami in the Assembly some days ago and he challenged contradiction, but no contradiction has come up to now, and, therefore, it necessarily follows that if on an important matter like this, on a vital question like this, there was no contradiction, I think I am perfectly entitled to take it that it is admitted. At all events, let me put it like this—if it is not admitted, it is not disputed. Now, the warrants of arrest were issued on the 28th August and it was on the 26th August

that the Hon'ble Mr. Donald moved for a reconsideration of the decision of the House about Ministers' salary. As is well known, there was a trial of strength between Government on one side and the people on the other. In fact it was a battle-royal between the crowned king and the uncrowned king of Bengal—between Deshbandhu C. R. Das on one side and the bureaucracy on the other—and we all know that the bureaucracy was defeated on that question. Now, Sir, I do not know whether on that night the members of Government had any sleep, sound or unsound. But I think they rose very early next morning only to meet round the table and to devise means to crush these *dushmans* —these Swarajaists—because they were the avowed enemies of the diarchy, which was killed on the day preceding. It is said that they were signed on the 28th, but as a matter of fact they were applied for long before that; but that is a long history. I have got the whole proceedings of the debate in the House of Lords—how Lord Olivier brought a charge of bad faith and breach of faith against the Bengal Government: that he approved of the Ordinance on the distinct understanding that no attempt would be made to check political activities by applying this measures, but that the measure would be applied only for the prevention of actual crime and violence. However, that is another history. Therefore, Sir, the defeat of the Government on the 26th August and the issue of the warrants on the 28th were as certainly co-related as cause and effect. Now, Sir Hugh Stephenson, while introducing the Criminal Law Amendment Bill, in January, 1925, gave us an assurance that it was not directed against the Swarajya party, and some good and credulous people amongst us were half inclined to accept that assurance. But now, Sir, a new spokesman on the official side in the Assembly has declared that the revolutionary party is only an invisible wing of the Swarajya party. This was in a maiden speech of a new recruit possibly and obviously not yet initiated in the art of diplomacy which has been so happily described by Voltaire as a Field of Lies. This new recruit in a moment of inadvertence let the official cat out of the bag. There is another aspect of this matter. We all know that these warrants of arrest were issued under Regulation III of 1818 —a regulation which does not contemplate cases of actual violence and actual crime. Now, when they were arrested on 25th October, even then the warrants were under the Regulation and not under the Ordinance. Then there were some trouble, both in the Assembly and in the House of Commons. Even Lord Olivier said how was it that these men were arrested under the Regulation when they obtained the sanction of the Home Government on the distinct understanding that Government would not proceed against politicians. Then, Sir, we find that it was some day in January, 1925, that these arrests were converted into arrests under the Ordinance. It is very difficult to understand the position. If these gentlemen, Subhas, Satyendra and others, were non-violent, in October, 1924, and if it was therefore thought necessary to

proceed against them under the Regulation, how is it that in January following, within two months, they were metamorphosed into criminals? They deliberately make a mess of the whole thing: they make a confusion between those who form a conspiracy for criminal outrage and those who are revolutionaries in the sense that they want a change in the constitution of the country. In any case the most pertinent question that arises is—who is responsible for bringing into existence these revolutionaries? Admittedly there were no revolutionaries in this country for about 100 or 125 years of the British rule. It has been said that "we are not going to surrender to young Bengal the right to determine as to when and how responsible government will be established in this country". But did you surrender to old Bengal or to old India? Did you surrender to the pressure of constitutional agitation in this country?

(Here the member having reached the time limit resumed his seat.)

Mr. J. M. SEN GUPTA: Mr. President, I am sorry that I was not here when the Hon'ble Mr. Moberly was speaking on this resolution, but I hope I have been posted correctly with facts which Mr. Moberly disclosed before this House. It has been said, I understand, by the Hon'ble Mr. Moberly that there was a wide terrorist conspiracy in 1924 before the Ordinance was applied. I would remind the House that one fine morning or was it at the dead of night that the police forces all over Bengal surreptitiously and without any notice whatsoever visited hundreds of houses and searched them for the purpose of finding arms and ammunition as evidence of a grand terrorist conspiracy. I would remind the members of the House that the next morning everyone was surprised to see not only that a large number of public men were spirited away but that in an Extraordinary issue of the *Calcutta Gazette* an announcement was made that some ordinance had been put into operation with the sanction of the Governor General of India. I would remind the House that when these searches were made these persons who were arrrested in consequence immediately after the searches had no notice whatsoever that an ordinance was in course of hatching or that their houses would be searched. Not a single cartridge, not a single revolver, not a single pistol and not a single piece of evidence against any one of these persons was found.

That is the kind of evidence and information on which in 1924 the Government promulgated the Ordinance and also allowed the police to ask for search warrants for the purpose of searching the houses of these people. We are told that after the Ordinance was applied in October, 1924, the conspiracy was disorganised to a great extent and I am told that the Hon'ble Mr. Moberly seriously asked the members of the House to agree with him, having regard to the fact that some

pistols and bombs were found in some house or some street (Sukea Street) in Calcutta, to come to the conclusion that a conspiracy was again being hatched and that it was going very strong in the country. Further, as a matter of fact, two annonymous letters written by somebody have been received by Government wherein it is stated that a violent conspiracy is being hatched in secret. I do beg of Hon'ble Mr. Moberly to realise what he is asking the members of the House to believe. Two annonymous letters have been received, no one knows who wrote them, no one knows whether the facts are correct or not, no one has verified them, we are not allowed to see them and yet on the basis of these two annonymous letters—he did not give the names of the writers, the names were known to him but who the people were no one knows—he infers the existence of a violent conspiracy. Did the writers give their addresses, I would like to know. Were the writers interviewed? Did those letters come by post? I do not know. I am told that two letters were received by the Hon'ble Mr. Moberly—two signed letters—but who are these people. Do they exist? What is their address? Did any Government officer go to those places and verify the facts which the Hon'ble Mr. Moberly has read for the benefit of the members of this House for the purpose of inducing them to come to the conclusion that there is a terrorist conspiracy.

Then I am told that a détenu who has been kept under detention has made a statement. In the course of his detention a police officer went and saw him and the détenu told him he believed in violence and his party men also believed in violence. Therefore there is a conspiracy in the country. I absolutely fail to see the logic of it. Here is a man who is under detention, who cannot in the slightest way communicate with the outside world and while in jail makes a statement that he believes in violence. Therefore the natural and logical conclusion which a Member of the Government of Bengal draws is that there is a violent conspiracy in the country!

These are the three grounds I understand on which it has been alleged by the Hon'ble Mr. Moberly that there is again—though I do not admit it—a widespread terrorist conspiracy in the country. Certainly in or about 1924 there were a very few cases of violent crime. Since 1922 let us see how many cases of violence there had been in Bengal. I remember the Sankaritola Post Office murder case. It has been alleged by the Hon'ble Mr. Moberly I understand that these people could not be put upon their trial because witnesses were intimidated and terrorised that they might be murdered. He has instanced the case of some man being murdered after a case was over. May I remind him of the Sankaritola Post Office murder case? Does he not remember that any number of Indian witnesses went up to the witness box and gave evidence and the accused was convicted? Does he not remember that the jurrors had no hesitation in giving their verdict on

that evidence? Does he not remember the Day murder case when witnesses came forward most of whom were Indians? Does he not know that the accused was found guilty by Indian jurors? Does he not know that only the other day in the Dakhineswar Bomb case the police did not arise the plea that witnesses would be murdered, lynched or intimidated by the members of the revolutionary conspiracy if they gave evidence? The palpable purposes behind the fact that they were not brought to trial is this, namely, that there is no evidence against them, no evidence which could be tested and found to be true in a court of law. How is it that in the Dakhineswar Bomb case the Government did not put forward the plea that witnesses would be terrorised and murdered? How is it that in the Sankaritola case the witnesses came forward willingly and gave evidence and Government did not say we won't hold a trial? If it is true that the witnesses who gave evidence in these cases were not terrorised by revolutionaries, how is it that it is said that they would be terrorised if they gave evidence in other cases also where people are put up for doing political crimes? That is my answer to the charge. In a case where an Inspector of Police was shot dead in Chittagong the accused was put upon his trial and any number of Indian witnesses came forward and gave evidence against him; no plea was then put forward that they would be terrorised and so would not give evidence. An English Judge with the help of Indian jurors tried the case; the English Judge disagreed with the verdict of the jury and referred the case to the High Court and the learned Judges of the High Court held that the jury was justified in acquitting the accused. Therefore the Hon'ble Member over there cannot say that the witnesses were terrorised, that witnesses may be terrorised and will be terrorised and that that is the reason why these people are not put upon their trial. I say that he has no reason whatsoever to put before the House. It has been said that the conspiracy is raising its head again. Now, Sir, if the conspiracy is raising its head again, may I enquire from the Hon'ble Mr. Moberly whether the persons who have been detained now for over two years and a few months, whether they have got anything to do with the conspiracy that is raising its head again? How can they possibly have any communication with the present conspirators who are outside the jail? Either they were in the conspiracy before or they were not. If they were in the conspiracy before then the conspiracy that is raising its head is certainly not dead and cannot be killed. The proper inference is that the people who have been detained for over two years are not the real leaders of the conspiracy and that there are others who are directing it. Government is wrong to come to the conclusion that they were really in the conspiracy. If there are others who are now hatching a new conspiracy what is Government going to do about them? Are they going to have another Act, or under the same Act are they going to detain them without trial? I know the Hon'ble Mr. Moberly does

not believe in the fact that there is a huge conspiracy, because if he did, he would go on arresting people by thousands; he does not believe this and that is merely an argument that he puts forward for the purpose of keeping these people in confinement.

It has been said that the leaders of public opinion in India should declare openly that they do not encourage violence, that they do not believe in violence. I say, Sir, they do not encourage the people who believe in violence to go in for it. It does not become the Hon'ble Member to say that the leaders of public opinion in India have not decried violence in absolutely clear terms. The Indian National Congress is pledged to non-violence. The late Deshbandhu C. R. Das issued a manifesto some months after the arrest of Mr. Subash Chandra Bose and others—a manifesto in which he made it perfectly clear that not only he did not believe in violence but he asked all young men to shun violence in every respect for the attainment of political freedom of the country. This manifesto was taken notice of by Lord Birkenhead when he stood up in his place in the House of Lords immediately after the issue of it.

(Here the member reached the time limit and had to resume his seat.)

Sir PROVASH CHUNDER MITTER: I desire, Sir, to place before the House the opinion of the party that I have the honour to represent. The National Liberal Federation at the last session of the Akola Conference under the presidency of Sir P. S. Sivaswamy Iyer, K.C.S.I., passed the following resolution:—

"The National Liberal Federation strongly reiterates its protest against the continued detention of many persons in Bengal under the Criminal Law Amendment Act of 1925 and urges that they should be either set free or tried under the ordinary criminal law. The federation again urges the repeal of the Act as well as the Deportation Regulations of 1818, 1819 and 1827."

As the resolution itself stands this is one of many resolutions that were passed by the Federation and the party that I represent inside this Council accepts this position.

As regards the condemnation of violence and anarchy we all condemn violence and anarchy as strongly and as stoutly as violence and anarchy can be condemned.

Mr. SARAT C. BASU: We are now dealing with the Ordinance and we know what the public feeling is. I may tell you that it has always eluded my imagination as to what this Ordinance is. I tried to make out as to what the difference is between this Ordinance and the Regulation of 1818. Some verbal matters excluded I do not find any difference between the two except one, *viz.*, that the Regulation of 1818 put some

burden upon the Government to bear the expenses of the détenus, whereas the Ordinance relieves it. The Ordinance keeps the prisoners without the liability of having to maintain their families. Otherwise I do not find any practical difference. For that reason I would conclude that the Ordinance is the younger brother of Regulation III of 1818 or its offspring. As my honourable friend, Sir Abd-ur-Rahim, just mentioned to the House, we are not given an opportunity to see as to the use of the Ordinance. Whether there is a conspiracy in the land and whether there are conspirators to be arrested is not the issue. That is not relevant. The issue is whether the ordinary law of the land is enough to cope with the evil or not. It is said that the ordinary law will not meet these cases, that these persons should not be tried but kept in prison indefinitely, because witnesses could not be brought forward to prove the case against them. Now, if that be so, I do not wish to enter into the question whether that is the real state of facts or not, but assuming that they are so, then, let us see whether these détenus could not be prosecuted in courts and their case placed before the judges for their verdict. Witnesses who would speak against them would be in jeopardy. Now, if the witnesses are so much afraid, it would appear *prima facie*, that they would not be able to tell the truth, because of the danger of their being murdered, there are would-be murderers in the land. Have they been arrested? Then what is the use of arresting these few people keeping the would-be murderers outside. Now, if the Government means that these would-be murderers have also been arrested, that these détenus represent not only the conspirators but also those would-be murderers, *i.e.*, those would-be murderers who would murder the witnesses if they give evidence in the cases, I beg to submit that the Government has got a very sorry case indeed. In that case the whole number of conspirators as well as those people who would murder the witnesses against them are confined amongst those in prisons and no more. It is for that reason I wish to draw the attention of the House under what circumstances the father of the Ordinance, *viz.*, Regulation III of 1818, was passed. The preamble to that Regulation says that the objects of that Regulation are four in number; first, the maintenance of alliances formed by the British Government with foreign states; secondly, the preservation of tranquility in the native states; thirdly, the security of the British dominions from foreign hostility; fourthly, the security of the British Government from internal commotion. Did these few persons make any internal commotion in the country? If language means anything it would be a mockery of the use of words to say that these few persons had produced a commotion. We do not find any commotion, but the commotion comes from the Government side and that is, that there is a conspiracy. Of course, it is not the time nor the opportunity to discuss whether there has been any conspiracy in the country or not. I am not going to enter into controversial matters; but I cannot omit that subject without mentioning to the House that in the case of at least one détenu,

viz., Mr. Subhas Chandra Bose, we were told that the evidence against him consists not in documents which can be placed against him, but in statements made by respectable witnesses. There is a great deal in these words "respectable witnesses". Who are the witnesses we do not know. We are simply told that they are respectable witnesses. Now, we know, under the present day, which people in the eye of the Government constitute respectable people. It is that class of people who are in recent times made Rai Bahadurs, Khan Bahadurs, Nawabs, Rajas, and C.I.Es. and so forth. These manufactured respectable men constitute the witnesses upon whose evidence Government relies—Respectable indeed! And it is those respectable people who are expected to give evidence against that détenu. But if they are respectable, why don't they come forward and give evidence? If they are respectable people then they can take care of themselves, because the word "respectable" connotes that they command the respect of others. But, their respectability, as I have said, is only to be found in the catalogue of the Civil List under the head "Title-holders". Now, if the respectable witnesses do not act like that, there cannot be the slightest doubt that no court will ever accept their evidence as correct. If they have not the hardihood to come before the court and give evidence, it only shows, and the only conclusion possible is, that the case against these détenus cannot bear the test of scrutiny in a court of justice. The Government know that the case will not stand and therefore they do not venture to launch a prosecution against him. I will not detain you longer. I will only remind you and the members of this House that we ought to take into consideration the condition of this country and of the world generally when that Regulation was passed. You will remember that there was the war with America raging at that time, we remember that during those days India was in a state of commotion, war was going on between Sindhia, Holker, Gaekwar, the Peshwas and the Marhatta power was in the course of disintegration at the time. We know also that there was Punjab still with sword unsheathed which was a terror and menace to the British Government of the country at that time. We know also that just about that time there was the war with Tippoo Sultan of Mysore and that Tippoo Sultan had just then fallen. We also know that the British sovereignty of Bengal was in the course of formation at that time. We also know that the Napoleonic war had just come to an end. We all remember the year 1815.

Mr. PRESIDENT: Are we discussing the Napoleonic war?

Mr. SARAT C. BASU: If I had been discussing the Napoleonic war I would not be in order, but I am not discussing the Napoleonic war but telling the House that the Napoleonic war had just come to an end. I think, I am loud enough to be audible to you.

Mr. PRESIDENT: I think you are repeating what has been said already and you are taking up the time of the Council. You will have another two minutes to wind up your speech and no more.

Mr. SARAT C. BABU: Thank you very much, Sir. I am only narrating the circumstances and I do not think that any one has done it, at least I did not hear him. What I mean to say is that that was the time when there was internal commotion, strife and war going on in India and social unrest in England. It was during this time that the administration of the country was full of grievances and the Government instead of removing those grievances brought in repressive measures, the effect of which was that even the Crown of England was tottering at the time and the reforms of 1832 laid oil over troubled waters and everything became quiet. The point is that these repressive measures never succeed in bringing tranquility in the country. On the other hand they exaggerate the facts and create disaffection in the minds of the people. So, what I mean to say is this, remove the grievances and then the minds of the people will be quieted. No man under any administration likes to be killed or robbed; every one wants to put down violence and offences against person and property. The people of India would like to have law and order kept into use effectively. They do not want commotion or conspiracy. If the mind is created for the purpose of committing these offences—for the purpose of committing dacoities or conspiracies—then the cause is in the hands of the Government. Government becomes responsible for that. The people want love and affection from the Government, but the Government has been trying its best to disseminate dissatisfaction in the minds of the people. I may remind the members of the House that it is British justice that brought the Britishers into the land. When the country was oppressed and harassed by the high-handedness of the Muslim Government, it is the British who taught us to conspire and to rise in rebellion for overthrowing the oppressive though constituted monarchy of the land. The British ought to remember that no Government can subsist without the good will of the people. We may be a disarmed nation and we may not be able to fight with anyone, but still this is certain that by force of numbers.....

(At this stage the member having reached the time limit had to resume his seat.)

(At this stage Council was adjourned for 15 minutes.)

[After the adjournment.]

RAI HARENDRANATH CHAUDHURI: May I respectfully draw your attention to the fact that the Council was adjourned for 15 minutes but it is now about 6-30? Will you in that case extend the time of the sitting by another 15 minutes?

Mr. PRESIDENT: I will have it recorded.

Mr. BASANTA KUMAR LAHIRI: At this late stage, I do not want to detain this Council with a long speech nor do I think a long speech is necessary. For the last 12 years I have been trying to

raise my voice of protest against these detentions without trial and to-day after the lapse of 12 years I am still less convinced of either the propriety or the justice of it. As the Secretary of the Civil Rights Committee which was started when some of the young men were let off in 1919 I tried to do my little share to provide for them and to help them in getting on in life and up till to-day I am trying to do the same. If during war or during internal commotion or external aggression there is any trouble in the land some justification may have been found for detention under those circumstances. I am aware that there were such detentions in England and Ireland and in some of the continental countries during the late European war. But now that we are in peace we have not got any internal commotion or invasion from without, it is not right—it is not just—it is not in the fitness of things that liberty of young men should be restrained for an indefinite period even at the risk of the health of many of them breaking down and they becoming useless even if released for the rest of their lives. Under these circumstances as a responsive co-operator, I want to raise my voice of protest against these detentions and associate myself with the resolution that is before the House. On a matter like this I do not think I need take up any more time of the Council.

Mr. S. C. BOSE: Mr. President, Sir, the Hon'ble Mr. Moberly under cover of the privilege which his position in this House gives him has thought fit to prefer what I and my party have no hesitation in characterising as wild and reckless charges against the political détenus. He is conscious, Sir, that his position in this House gives him a privilege to make statements which ordinarily would be libellous. We on this side of the House could have treated him with a certain amount of generosity if he had allowed the détenus to appear before the bar of this House and given them an opportunity to reply to the false and malicious charges made against them. If Mr. Moberly believes in the truth and seriousness of those charges, if he thinks that he has ample evidence in support of those charges, one would expect him to rise in his seat and declare to this House that he would allow each and every one of those détenus against whom we say that evidence has been manufactured—I would expect him if he is an honourable man with a sense of justice and fair play to throw out a challenge to the détenus and to allow them to appear before the bar of the House to refute those charges; but of course he is not going to do anything of the kind—he is simply going to take shelter under the privilege which as a Member of this House he has.

Now, Sir, Mr. Moberly has read out to the House certain letters or supposed letters which have been put into his hands by person or persons unknown. I need not detain the House with the consideration of those letters, but if the Hon'ble Mr. Moberly seriously intended to ask this House to believe in the genuineness of those letters, I can only

say, Sir, that he was insulting the intelligence of this House by asking this House to believe that a revolutionary who had been planning conspiracies in different parts of the land, as soon as he is put under arrest, at once goes before a police officer and tells him that so and so were there to take up the work which he was carrying on. Does the Hon'ble Mr. Moberly ask the House seriously to believe that a violent revolutionary who believes in his faith and is convinced that the policy of peaceful non-co-operation is not the right policy for the country, as soon as he is put under arrest and finds that he cannot do anything in that direction, goes at once before the police and says, "My friends and associates are so and so and if you do not put them under arrest, they will continue this violent propaganda". I repeat again that it is an insult to the intelligence of the House to ask the House to believe that those supposed letters came from revolutionaries or that those statements which are alleged to have been recorded by police officers were really in fact made by the persons arrested. Now, Sir, if the Hon'ble Mr. Moberly or his predecessors in office had evidence in their possession against each and every one of these détenus, may I ask him why they did not refute the charges which were brought by Jiban Lal Chatterji, who is now at Suri actually paying the penalty for the offence of asking for an enquiry with his life blood. Does not the Hon'ble Member remember that as far back as the year 1924 Jiban Lal Chatterji and Bhupendra Nath Dutt sent a memorial to the Right Hon'ble the Secretary of State asking for an impartial enquiry? They were even prepared to forego the right of appearing before the ordinary courts of law: they asked the Secretary of State to constitute an honest and impartial Tribunal before whom they could be taken, where charges could be framed against them and where they could have an opportunity of refuting those charges; we know that that was on the 25th July 1924, but the Government have not yet declared that they are going to constitute a Tribunal for enquiring into the grave and serious allegations made by Jiban Lal Chatterji and Bhupendra Nath Dutt. We are not surprised that one of them is now a victim of tuberculosis and the other, namely, Bhupendra Nath Dutt, is being treated with unspeakable cruelty behind the prison walls at Insein because they had the courage to place before the Secretary of State certain facts which the Secretary of State and his representatives in this country had not the courage to face.

Now, Sir, as Mr. Moberly has read to this Council some extracts, I will give you just some instances of what Jiban Lal Chatterji and Bhupendra Nath Dutt stated in their memorial. They said that they were asked at the time of arrest whether they were privy to the murder of police officers. Their reply was: "It is amazing that a case of murder or its abetment could not be dealt with in a properly constituted court of law, but the fact is that during the period intervening between

the time of our release in 1920 and arrest for the second time in September 1923 at least we know of no case of assassination of any police officer nor of any such attempt." Further, Sir, they stated that "when charged face to face by one of us, even Mr. Bamford, (who is possibly one of the men who supplies information to the Hon'ble Member) the Special Superintendent of the Criminal Intelligence Department, Bengal, frankly admitted 'We know you are not connected with any murder plot'". Has there been any denial from the Secretary of State or from any of his subordinate officers in India of the charges made in writing by Jiban Lal Chatterji and Bhupendra Nath Dutt? Now, Sir, I would ask the House to listen to a few more questions which were put to them when they were arrested. The questions were these: "Did you go to the Delhi Congress? Do you belong to the Swarajya Party? Do you belong to Mr. C. R. Das' party? Were you used to visit the Swarajya Party's office? Were you used to visit the Cherry Press? Who finances and manages the *Swadesh*? Who is going to be the editor of the *Forward*? " Just the sort of question which the Hon'ble Mr. Moberly would have us believe ought to be put to revolutionaries or supposed revolutionaries!

Sir, the charges made by Jiban Lal Chatterji and Bhupendra Nath Dutt as far back as February, 1925, have not been answered for the last two years and yet the Hon'ble Mr. Moberly has the audacity, has the effrontery to come before this House, take out of his pocket and place before it supposed revolutionary documents. Why was not a Tribunal, apart from the ordinary tribunals, constituted in order that these charges should be preferred against these men and their replies taken? Is the Hon'ble Mr. Moberly prepared to allow the détenus to come before the bar of this House and to give straight replies to the false and malicious charges he has put forward to make against them? Now, Sir, I will not labour the point very much. I am not, however, surprised, knowing the official mentality as I do at his reading unsigned letters from unknown persons—I am not surprised at the sense of chivalry, at the sense of justice and fair play which have prompted the Hon'ble Member to give expression to charges against persons whose voices he well knows cannot be heard in this House! Sir, the object is not far to seek. The public and those who move with the public know very well that these statements from official lips are not really worth the paper on which they are written. At the same time it is necessary for officials to carry on this sort of propaganda under the cover of the privilege which their position in the House gives them. I am sure that Mr. Moberly will not have the courage to go downstairs and address a public meeting making specific charges against these détenus, because he knows that he would be promptly hauled up before a court of law. It is very easy for him to sit in a cosy chair in this Chamber and get up in an airy fashion and read

to the House the letter handed over to him by police officers. Have these letters been examined—has the authenticity of these letters been tested? Those who have read history know that letters were forged to discredit the Irish leader Parnell—those who have read history know that a prominent Sergeant of the Royal Irish Constabulary who was responsible for the arrest and detention of several political prisoners was during the last stage of his career caught in the act of manufacturing false evidence and then he had to confess that he had been doing that for the last 20 years. We know the value of these statements from informers and spies, and I do not think it is necessary for me to dilate on that aspect of the matter any further. I will, Sir, deal with the Hon'ble Mr. Moberly's statement regarding *agent provocateurs*. Jiban Lal Chatterji and Bhupendra Nath Dutt have really said the last word on the subject. They named the police informers, they also named the *agents provocateurs* of Government who were enjoying trips to Europe and America at the expense of Government in order to concoct and supply false evidence to Government. Their challenge was not taken up and still the Hon'ble Member has the effrontery and impertinence to prefer against these honourable men, these patriotic sons of India, these loathsome charges.

Now, Sir, I expected in the course of the debate that the Hon'ble Minister Mr. Chakravarti would rise from his seat and tell us what his attitude and that of the other Minister Mr. Ghuznavi were. I was anxiously waiting for him to speak.

Mr. PRESIDENT: That question does not arise.

Mr. S. C. BOSE: Sir, I would ask Mr. Chakravarti if he does not know that Sir Surendra Nath Banerjee was once upon a time shadowed by policemen and police informer. I would ask the Minister if he does not know that Mr. Bhupendra Nath Basu, who was a Member of the Secretary of State's Council, was also shadowed by these men.

I would ask the Hon'ble Minister if he does not know that till recently he himself was used to be shadowed by policemen and police informers. Therefore, I should have liked him to enlighten the House as to the attitude he takes upon this question. If he is a responsible Minister, if he is a representative of the public and if he represents a constituency he should answer this question.

Mr. PRESIDENT: Mr. Bose, I put it to you not to make a personal question of it. The subject does not concern the Hon'ble Minister.

Mr. S. C. BOSE: I want to know the attitude of the Hon'ble Minister.

Mr. PRESIDENT: I do not think you are justified in doing so.

Mr. S. C. BOSE: I have asked the question and it is not necessary for me to labour the point any more. I should have thought that the Responsivist Minister who pretends to represent public opinion in the inner cabinet of the State would have the courage of stating to this House what his views were.

I will not detain the House any longer. I had many more things to say, but I do not like to exhaust the patience of the House. I will give the House only one instance to show that the official propaganda regarding the health of the détenus.....

(Here the member having reached the time limit had to resume his seat.)

Khan Sahib Maulvi ABDUS SATTAR: This is a very important and serious matter and it should be viewed from more than one point. It is very late in the day and I do not propose to make a long speech, but as it will be necessary for us to vote on one side or the other and as I wish to vote for the resolution it is natural that I should make our position clear, and the position is this. On this resolution there is a good deal to be said both on behalf of the Government and also on behalf of the people. It is no doubt distressing and painful that many of our young men should be detained without trial for such a length of time. On the other hand it is also necessary that we should see that peace and order is maintained in the country. Again we do not endorse all that has been said on the other side for it is a fact that in some cases it is difficult to find witnesses to give evidence in political cases and also difficult to find an impartial jury. That is a fact but let that go.

As regards the present resolution we have got to respect the resolution which was passed at the All-India Muslim League at Delhi, where a similar resolution was brought forward for the trial not of all détenus but of those who were detained for two or three years to be placed on their trial and released if there was no evidence against them. I consider, Sir, this resolution is a reasonable one and we should vote for it.

Dr. PRAMATHANATH BANERJEA: I move that the question be now put.

Mr. PRESIDENT: I am told that the mover of the resolution does not intend to make a reply. He having waived his right, I think the Hon'ble Mr. Moberly loses his right of reply as well having once spoken on the subject. I will therefore put the question to vote.

The motion was put and before the Hon'ble the President had given his decision, Dr. Kumud Sankar Ray asked for a division.

Mr. PRESIDENT: I must say that you should not have risen in your place and claimed a division without waiting for my verdict. I therefore ignore your claim altogether. I think the Ayes have it.

Mr. J. M. SEN GUPTA: A division, Sir.

Mr. PRESIDENT: Mr. Sen Gupta, did not you say "Aye" when I put the question to the House?

Mr. J. M. SEN GUPTA: I am not bound to answer that question.

Mr. PRESIDENT: I am bound to rule that as I heard you say "Aye" and as you have claimed a division, you will not be entitled to go to the "Ayes" lobby and record your vote.

Mr. PRESIDENT: I said "the *Ayes* have it." The member in contesting that statement by claiming a division maintained, in my view, that the "*Noes*" have it. He cannot therefore vote in the "Aye" lobby:

Rai HARENDRANATH CHAUDHURI: Is there any rule to that effect?

The motion that this Council recommends to the Government:—(*a*) to take immediately the necessary steps to release all persons belonging to Bengal who have been placed under personal restraint under Bengal Regulation III of 1818; and (*b*) to release all persons detained under the Bengal Criminal Law Amendment Act, 1925, was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Md.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Ali, Maulvi Syed Nausher.
Atiqullah, Maulvi Syed Md.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prematha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Biswas, Maulvi Abdul Latif.
Bose, Babu Bejay Krishna.
Bose, Mr. S. C.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chattarjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Dayal.
Hosain, Nawab Musharruf, Khan Bahadur
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Syed Maqbul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lahiri, Mr. Basanta Kumar.
Maiti, Babu Mahendra Nath.
Mazumdar, Rai Bahadur Jadunath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Poddar, Mr. Ananda Mohan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.

Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prasanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Maharaja Jogindra Nath, of Natar.
Roy, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Roy, Mr. D. N. Bar.-at-Law.
Ray, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sadeque, Maulvi Mohamed.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Khan Sahib Maulvi Abdus.
Sen, Babu Nagendra Nath.
Sen, Mr. Satish Chandra.
Sinha, Babu Charu Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Suhrawardy, Mr. H. S.

NOES.

Addams-Williams, Mr. C.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Gilchrist, Mr. R. N.
Leicester, Lieutenant-Colonel J. C. H.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Marr, Mr. A.
McCluskie, Mr. E. T.
Moberly, the Hon'ble Mr. A. N.
Oaten, Mr. E. F.
Prentice, Mr. W. D. R.
Roy, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Roy, Mr. S. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Stuart-Williams, Mr. S. C.
Woodhead, Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 71 and the Noes 26 the motion was carried.

Mr. J. M. SEN GUPTA: May I request that it should be recorded in the official report that I was prevented from voting?

Mr. PRESIDENT: It will, as a matter of course, be recorded in the Proceedings.

Adjournment.

The Council was then adjourned till 3 P.M., on Monday, the 28th February, 1927, at the Town Hall, Calcutta.

B. G. Press—12-3-1927—2195M—1,300—J. N. B. & others.

INDEX

TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report.)

VOLUME XXV—No. 1—TWENTY-FIFTH SESSION.

February 21st to 23rd, 1927.

Acharjya Chaudhuri, Maharaja Shashi Kanta

Taxation Enquiry Committee recommendations of—, 10

Addams-Williams, Mr. C.

Irrigation subdivisions, 6

Adjournment, 44, 71, 91, 103, 134, 152, 159.

Motion for the—, 20 53, 76, 121

Ahamad, Maulvi Kasiruddin

Government circulars about plucked students, 110.

Ahmed, Khan Bahadur Maulvi Emaduddin

Jail Department, percentage of Mussalman officers and Mussalman prisoners in the—, 14.

Ahmed, Mr. Nasiruddin

Appointment of—in charge of the Pabna district, 106.

Alapur Khal

Improvement of—, 11.

Aricha to Dacca

Proposed Light Railway from—, 5

Atiqullah, Maulvi Syed Muhammad

Muslim Minister, provision for the salary of one more, 60

Audit fee

Amount realised as—from Co-operative societies, 7

Bagchi, Babu Rames Chandra

Irrigation subdivisions, 5

Malda, improvement of irrigation in, 111.

Tube-wells, 105.

Banerjea, Dr. Pramathanath

Bengal, primary schools in, 107.

Calcutta, lepers in—, 19

Calcutta Port Trust, Indianisation of the, 117.

Political prisoners, release of, 157.

Banerjee, Babu Pramatha Nath

Contai subdivision, floods in the, 111.

Gratis.

Banerjee, Mr. A. C.

Adjournment, motion for, 91, 99 100, 103.

Bill, Bengal Tenancy (Amendment), 3.

Budget, introduction of the, 21

Calcutta, obstruction of footpaths by hawkers in, 51.

Judicial and executive functions, separation of, 112.

Judicial and Executive Services, proposed separation of, 45.

Political prisoners and their present state of health, names of the Bengal, 113.

Banerjee, Babu Jitendralal

Adjournment, motion for, 96, 97, 103

Bill, Bengal Tenancy (Amendment)—, 7, 8.

Council chamber building, new Legislative, 42, 43.

Historical Records, 47.

Judicial and executive functions, separation of, 112.

Barisal

Proposed Medical School at, 20

Basu, Mr. P. C.

Damodar river, schemes for construction of canals from the- in Burdwan, 10.

District Board, residence of the Chairman of—, 15.

Nandi Road in Jamalpur thana, Burdwan, acquisition of *debottar* lands for widening, 104, 105.

Basu, Mr. Sarat C.

Council chamber building, new Legislative, 36, 37.

Political prisoners, release of, 149, 151, 152.

Bengal

Board of Secondary Education for, 107.

Maktabs and tols in, 115.

Primary schools in, 107.

Provisions of the Mussalman Wakf Act in, 114.

Bengal Junior Civil Service, 19.

Bengal Provincial Civil Service (Executive)

Consideration of the—by the Public Services Commission, 109.

Berhampore Silk Weaving Institute at, 117.

Bhangore, surplus water in the paddy *abads* near, 119.

Bhangore Bazar

Registration office at—, 24-Parganas, 119.

Bill, Bengal Tenancy (Amendment), 3, 7, 11, 13

Biswas, Maulvi Abdul Latif

Aricha to Dacca, proposed light railway from—, 5

Audit fee, amount realised as—from co-operative societies, 7.

Bose, Babu Bijoy Krishna

Secondary Education for Bengal, Board of, 107

Bose, Mr. S. C.

Political prisoners, release of, 153, 156, 157.

Brahmaputra

Silting up of the, 52.

Budget of the Government of Bengal

For the year 1927-28, introduction of the, 21.

Calcutta

Lepers in, 19.

Obstruction of footpaths by hawkers in, 50.

Calcutta Port

Trade through the—, 15.

Calcutta Port Trust

Indianisation of the, 116.

Chairmen

Panel of, 2

Chakravarti, Babu Jogindra Chandra

Bill, Bengal Tenancy (Amendment), 3.

Female waiting-rooms doors of—at stations on Eastern Bengal Railway, 17

Chakravarti, the Hon'ble Mr. Byomkes

Barisal proposed medical school at, 20

Bengal primary schools in 107

Calcutta, lepers in 19

Chittagong court compound, mosque in the— 16

Council Chamber building, new Legislative 33 35

Depressed classes, hostel accommodation for students of the—, 4, 5

Drinking water-supply in rural areas 18.

Government circulars about plucked students, 110.

Hooghly Madrassah, 49

Maktabs and tols in Bengal, 116

Murshidabad, Girls' school in, 118

Mussalman Wakf Act in Bengal provisions of the, 114

Sadler Commission, recommendation of the, 110.

Sanskrit College Committee, report of the 49.

Secondary Education for Bengal, Board of, 107.

Tube-wells, 105.

Chakraborty, Babu Jatindra Nath

Drinking water-supply in rural areas, 18

Platforms at stations on Eastern Bengal Railway, 17.

Chatterjee, Srijut Bijay Kumar

Political prisoners, release of, 72, 123

Chaudhuri, Rai Harendranath

Adjournment, motion for, 121 122 131

Budget, introduction of the, 21

Council Chamber building, new Legislative, 44.

Drinking water-supply in rural areas, 18

Political prisoners, release of, 144.

Sanskrit College Committee, report of the, 49.

Sub-Registrars buildings for registration offices and quarters for, 48, 49.

Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C. I. E., of Dhanbari

Alaipur khal, improvement of , 11.

Bhangore, surplus water in the paddy *abads* near, 119

Brahmaputra, silting up of the, 52

Contai subdivision, floods in the, 111.

Cox's Bazar, forest boundary in, 20

Damodar river, schemes for construction of canals from the in Burdwan, 10

Forest Department of the Chittagong district, administration of the, 53

Jechamati, silt bar in the at Kishanganja 11.

Kadua Math of the Howrah district, 112

Malda, improvement of irrigation in, 111.

Rivers Bhairab Jchamati and Jamuna, 16.

Choudhury, Maulvi Khershed Alam

Muslim Minister, provision for the salary of one more, 61.

Chittagong

Muhammadans on the ministerial staff of the District Judge's office, 52.

Mussalmans in the ministerial staff of the Collectorate, —, 12.

Court compound mosque in the—, 16.

Chittagong district

Administration of the Forest Department of the, 53.

Chittagong Mail

Train service between Rajbari and Faridpur in connection with up—, 9.

Civil Service, Bengal Junior, 19.

Contai subdivision

Floods in the, 111.

Co-operative societies

Amount realised as audit fee from—, 7

Council Chamber building

New Legislative, 23

Cox's Bazar

Forest boundary in, 20

Dacca

Origin and incidents of the communal riots at , 46.

Vehicular traffic in, 114.

Dacca to Manipur Farm

Electric installation from, 108.

Dafadars and chaukidars

Salaries and equipments of—, 45.

Damodar river

Schemes for construction of canals from the—in Burdwan, 10.

Das Gupta, Dr. J. M.

Adjournment, motion for, 103.

Mr. Nasiruddin Ahmed, appointment of—in charge of the Pabna district, 106.

Political prisoners, release of, 143.

Datta, Babu Akhil Chandra

Adjournment, motion for, 80 83, 85, 99, 100, 103.

Judicial and executive functions, separation of, 111, 112

Political prisoners, release of 129, 130, 131, 132, 143, 144

Datta, Babu Amulya Chandra

Kadua Math of the Howrah district, 112.

Political prisoners and their present state of health, names of the Bengal, 113

Depressed classes

Hostel accommodation for students of the —, 4.

Deputy President

Approval of election of, 1.

District Board

Residence of the Chairman of— 15.

Division

Provision for one more Muslim Minister, 70.

Release of all political prisoners, 158.

Donald, the Hon'ble Mr. J.

Adjournment, motion for, 98.

Aricha to Dacca, proposed Light railway from—, 5.

Budget of the Government of Bengal for the year 1927-28, introduction of the, 21, 22.

Calcutta Port, trade through the—, 15.

Donald, the Hon'ble Mr. J.—*concluded.*

Calcutta Port Trust, Indianisation of the, 117.

Council Chamber building, new Legislative, 34, 40.

Faridpur and Kalukhali, platforms and waiting-rooms at—stations on Eastern Bengal Railway, 8.

Faridpur to Charmugaria and Rajbari to Jessore, railway extensions from—, 4.

Female waiting-rooms, doors of—at stations on Eastern Bengal Railway, 17.

Platforms at stations on Eastern Bengal Railway, 18.

Rajbari and Faridpur, train service between—in connection with up Chittagong mail, 9.

Taxation Enquiry Committee, recommendations of—, 10.

Drinking water-supply in rural areas, 18.

Fairs

Prostitution in periodical, 51.

Faridpur and Kalukhali

Platforms and waiting-rooms at—stations on Eastern Bengal Railway, 8

Faridpur to Charmugaria

Railway extensions from—and Rajbari to Jessore, 4.

Female waiting-rooms

Doors of—at stations on Eastern Bengal Railway, 17.

Footpaths

Obstruction of—by hawkers in Calcutta, 50.

Forest Department of the Chittagong district

Administration of the, 53.

Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan

Audit fee, amount realised as—from cooperative societies, 7.

Berhampore Silk Weaving Institute at, 118

Bhangore Bazar, Registration office at, 24-Parganas, 119.

District Board, residence of the Chairman of—, 15

Gournadi thana, Local Board election of, 120

Malda and Murshidabad, establishment of silk weaving schools at, 106

Mampur farm, electric installation from Dacca to, 108, 109.

Nandi Road in Jamalpur thana, Burdwan, acquisition of *debottar* lands for widening, 104, 105.

Road cess rate of—fixed by District Boards, 120

Royal Botanical Garden, 116

Sub-Registrars', buildings for registration offices and quarters for 48

Girls' schools in Murshidabad, 118.

Gofran, Maulvi Abdul

Noakhali, alleged congestion of civil appeals at, 51.

Gournadi thana

Local Board election of, 120

Government Circulars about plucked students, 110

Gupta, Mr. Jogesh Chandra

Bengal Provincial Civil Service (Executive) consideration of the—by the Public Services Commission 100

Dacca, origin and incidents of the communal riots at, 46, 47

Judicial and Executive Services proposed separation of, 45.

Mampur Farm, electric installation from Dacca to, 109.

Gupta, Mr. Jogesh Chandra—*concluded.*

Mr Nasiruddin Ahmed appointment of—in charge of the Pabna district, 106.

Vehicular traffic in Dacca, 114

Habibullah, Nawab Khwaja

Vehicular traffic in Dacca, 114

Haque, Khan Bahadur Maulvi Azizul

Adjournment, motion for, 86.

Civil Service, Bengal Junior, 19.

Council Chamber building new Legislative 34.

Point of order regarding last date of sending in notices of Questions 2.

Historical Records, 47.

Hooghly Madrasah, 49.

Hoque, Kazi Emdadul

Muslim Minister provision for the salary of one more, 67

Hostel accommodation for the students of the depressed classes, 1

Huq, Khan Bahadur Maulvi Ekrammul

Bill Bengal Tenancy (Amendment) 1, 11

Muslim Minister, provision for the salary of one more, 66

Mussalman Wakf Act in Bengal, provisions of the, 111

Sagardighi thana, transfer of from Lalbagh to Jangipur subdivision, 115.

Husain, Maulvi Syed Maqbul

Council Chamber building, new Legislative 42.

Muslim Minister, provision for the salary of one more, 57, 59.

Icchamati

Silt-bar in the—at Kishangunja, 11.

Indianisation of the Calcutta Port Trust 116.

Irrigation

Improvement of—in Malda, 111.

Irrigation subdivisions, 5.

Jail Department

Percentage of Mussalman officers and Mussalman prisoners in the—, 14.

Jessore

Abolition and amalgamation of certain police stations of, 50

Judicial and Executive functions

Separation of, 111.

Judicial and Executive Services

Proposed separation of 45

Kadua Math of the Howrah district, 112

Karim, Maulvi Abdul

Calcutta legal in 19

Hooghly Madrasah 49

Kasem, Maulvi Abul

Adjournment of the House motion for the 20 121

Council Chamber building new Legislative 38

Hooghly Madrasah, 49

Muslim Minister provision for the salary of one more 64 67, 69

Mussalman Wakf Act in Bengal, provisions of the, 115.

Khan, Mr. Razaur Rahman

Royal Botanical Garden, 116.

Lahiri, Mr. Basanta Kumar

Council Chamber building, new Legislative, 39.

Political prisoners, release of, 152.

Lepers in Calcutta, 19.

Light Railway

Proposed—from Aricha to Dacca 5.

Maktabs and tols in Bengal, 115.

Malda

Establishment of silk weaving schools at—and Murshidabad, 106

Improvement of irrigation in— 111

Manipur Farm

Electric installation from Dacca to 108

Mazumdar, Rai Bahadur Jadunath

Adjournment motion for 94

Alipur 53 Improvement of 11

Civil Service Bengal Junior 79

Council Chamber building new Legislative, 42

Facts prostitution in periodical 51

Ichamati silt bar in the at Kishanganj 11

Jessore abolition and amalgamation of certain policestations of 50

Maktabs and tols in Bengal 115

Political prisoners, release of 128, 131 136

Sanskrit College Committee report of the 49

Members

Attendance of—, 1, 45 104.

Minister

Provision for the salary of one more Muslim, 54

Mitter, Sir Provash Chunder

Council Chamber building, new Legislative, 40

Political prisoners, release of, 149.

Moberly, the Hon'ble Mr. A. N.

Adjournment, motion for, 78, 80, 87, 88, 89, 90, 97.

Bengal Provincial Civil Service (Executive), consideration of the—by the Public Services Commission, 109

Calcutta, obstruction of footpaths by hawkers in 50, 51

Chittagong, Muhammadans on the ministerial staff of the District Judge's office 53

Civil Service, Bengal Junior, 19

Dacca origin and incidents of the communal riots at 46, 47

Datadars and chaukidars, salaries and equipments of 46

Facts, prostitution in periodical, 52

Historical Records 48

Jessore abolition and amalgamation of certain policestations of 50

Judicial and Executive functions separation of 112

Judicial and Executive Services, proposed separation of 47

Mr Nasiruddin Ahmed appointment of in charge of the Pabna district, 106

Muslim Minister provision for the salary of one more 67 72

Noakhali alleged congestion of civil appeals at 51

Pirojpur communal trouble at , 12

Political prisoners release of, 126 129, 130 131 132 143 144

Political prisoners and their present state of health names of the Bengal, 113

Sagardighi thana, transfer of—from Lalbagh to Jangipur subdivision, 115

Vehicular traffic in Dacca, 114.

Mosque in the Chittagong Court compound, 16.

Motion for adjournment, 53, 78, 121, 141.

Hunger strike of Bengali detenus in Insein (Burma) Jail, 122.

Muhammadans

On the ministerial staff of the District Judge's office, Chittagong, 52.

Mukerjea, Srijut Taraknath

Bengal, primary schools in, 107.

Calcutta Port, Trade through the—, 15.

Calcutta Port Trust, Indianisation of the, 116.

Dafadars and chaukidars, salaries and equipments of—, 45.

Murshidabad

Establishment of silk weaving schools at Malda and—, 106.

Girls' schools in, 118.

Muslim Minister

Provision for the salary of one more, 54.

Mussalman officers and Mussalman prisoners

Percentage of—in the Jail Department, 14.

Mussalman Wakf Act

Provisions of the—in Bengal, 114.

Nandi Road

Acquisition of *debottar* lands for widening—in Jamalpur thana, Burdwan, 104.

Nandy, Maharaj Kumar Sris Chandra

Berhampore, Silk Weaving Institute at, 117.

Murshidabad, Girls' school in, 118

Naskar, Babu Hem Chandra

Bhangore, surplus water in the paddy *abads* near, 119.

Bhangore Bazar, Registration office at—, 24-Parganas, 119.

Noakhali

Alleged congestion of Civil appeals at, 51.

Oath, 1.

Pabna district

Appointment of Mr. Nasiruddin Ahmed in charge of the, 106.

Pirojpur

Communal trouble at—, 12

Platforms at stations on Eastern Bengal Railway, 17.

Poddar, Mr. Ananda Mohan

Brahmaputra, silting of the, 52.

Point of Order

Decision on a motion before the House, 141.

Last date of sending in notices of Questions, 2

Summoning and attendance of members 122.

Political prisoners

Names of the Bengal—and their present state of health, 113

Release of, 72.

Prentice, Mr. W. D. R.

Adjournment, motion for, 98, 99, 100, 101, 102, 103.

President (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh)

Point of Order regarding last date of sending in notices of Questions, 2, 3.

Ruled that division should be claimed before the—finally declared the result of a motion, 44.

Ruled that it is up to the Hon'ble Member in charge to answer a supplementary question, if he chooses to do so, 3.

President (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh— *concluded.*

Ruled that members should claim a division after the—has given his verdict, 157.

Ruled that no member can be allowed to speak after the—has indicated his intention to close the debate, 68.

Ruled that the mover of a motion having waived his right of reply the Hon'ble Member in charge loses his right of reply as well having once spoken on the subject, 157

Ruled that when summonses issued the duty of the—, as well as of the officers of the Council, is fulfilled The attendance of any member can not either be ensured or compelled, 122

Ruling as to notices of questions, 121

Primary schools in Bengal, 107.

Prisoners

Release of political, 72

Prostitution in periodical fairs, 51.

Public Services Commission

Consideration of the Bengal Provincial Civil Service (Executive) by the, 109

Rahim, Sir Abd-ur

Adjournment motion for, 92.

Council Chamber building, new Legislative, 41.

Political prisoners, release of, 140, 141

Rahman, Maulvi Shamsur

Muslim Minister, provision for the salary of one more, 65.

Railway extensions from Faridpur to Charmugaria and Rajbari to Jessore,

Rajbari and Faridpur

Train service between—in connection with up Chittagong mail, 9.

Rajbari to Jessore

Railway extensions from Faridpur to Charmugaria and—, 4.

Rauf, Maulvi Syed Abdur

Council Chamber building new Legislative, 34.

Ray, Dr. Kumud Sankar

Depressed classes, hostel accommodation for students of the , 4

Faridpur and Kalukhali, platforms and waiting rooms at stations on Eastern Bengal Railway, 8

Faridpur to Charmugaria and Rajbari to Jessore railway extensions from , 4

Manipur Farm, electric installation from Dacca to 108

Rajbari and Faridpur, train service between—in connection with up Chittagong mail, 9

Ray, Maharaja Jogindra Nath, of Nator

Political prisoners release of, 139

Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia

Bill Bengal Tenancy (Amendment) 3, 4, 8, 11, 14

Chittagong, Mussalmans in the ministerial staff of the Collectorate, , 12

Jail Department percentage of Mussalman officers and Mussalman prisoners in the 15

Ray Chaudhuri, Mr. K. C.

Adjournment of the House, motion for the 20, 80, 81

Registration offices

Buildings for and quarters for Sub-Registrars 48.

Release of political prisoners, 72.

Rivers Bhairab, Ichamati and Jamuna, 16.

Road Cess

Rate of—fixed by District Boards, 120.

Roy, Babu Manmatha Nath

Sadler Commission, recommendation of the, 109.

Secondary Education for Bengal, Board of, 107.

Roy, Dr. Bidhan Chandra

Adjournment, motion for, 53, 54, 76, 78, 101.

Council Chamber building, new Legislative, 34.

Muslim Minister, provision for the salary of one more, 67, 68.

Point of Order regarding last date of sending in notices of questions, 2

Political prisoners, release of, 129, 130

Roy, Mr. D. N.

Depressed classes, hostel accommodation for students of the—, 5

Roy, Mr. Kiran Sankar

Calcutta, obstruction of footpaths by hawkers in, 50

Council Chamber building, new Legislative, 41, 42

Roy Choudhuri, Rai Bahadur Satyendra Nath

Barisal, proposed medical school at, 20.

Bill, Bengal Tenancy (Amendment), 11.

Gournadi thana, Local Board election of, 120.

Royal Botanical Garden, 116.

Sadeque, Maulvi Mohamed

Council Chamber building, new Legislative, 35, 36.

Muslim Minister, provision for the salary of one more, 54, 69.

Sadler Commission

Recommendation of the, 109.

Sagardighi Thana

Transfer of—from Lalbagh to Jangipur subdivision, 115.

Sanskrit College Committee

Report of the, 49.

Sattar, Khan Sahib Maulvi Abdus

Chittagong, Mussalmans in the ministerial staff of the Collectorate, —, 12.

Chittagong, Muhammadans on the ministerial staff of the District Judge's office, 52.

Chittagong Court compound, mosque in the—, 16.

Cox's Bazar, Forest boundary in, 20

Forest Department of the Chittagong district, administration of the, 53

Muslim Minister, provision for the salary of one more, 57, 59

Political prisoners, release of, 157.

Secondary Education

Board of—for Bengal, 107.

Sen, Babu Nagendra Nath

Council Chamber building, new Legislative, 40.

Gournadi Thana, Local Board election of, 120.

Maktabs and tols in Bengal, 116.

Pirojpur, communal trouble at—, 12.

Rivers Bhairab, Ichamati and Jamuna, 16.

Sen Gupta, Mr. J. M.

Adjournment, motion for, 96, 98, 99, 101

Council Chamber building, new Legislative, 43.

Political prisoners, release of, 144, 146.

Silk Weaving Institute at Berhampore, 117.

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur

Political prisoners, release of, 137.

Road cess, rate of—fixed by District Boards, 120.

Sub-Registrars

Buildings for registration offices and quarters for—, 48.

Suhrawardy, Mr. H. S.

Muslim Minister, provision for the salary of one more, 68

Taxation Enquiry Committee

Recommendations of—, 10

Travers, Mr. W. L.

Adjournment, motion for, 85.

Tube-wells, 105.

Vehicular traffic in Dacca, 114.

Water-supply

Drinking—in rural areas, 18

Wordsworth, Mr. W. C.

Adjournment, motion for, 90

B. G. Press—28-5-1927—411M—1,300—S. D.